

AMENDED IN SENATE JULY 17, 2001

AMENDED IN SENATE JULY 9, 2001

AMENDED IN ASSEMBLY APRIL 30, 2001

AMENDED IN ASSEMBLY APRIL 16, 2001

CALIFORNIA LEGISLATURE—2001-02 REGULAR SESSION

ASSEMBLY BILL

No. 280

Introduced by Assembly Member Robert Pacheco

February 16, 2001

An act to amend, repeal, and add Sections 12223, 12241, 12261, and 12304 of the Elections Code, relating to election precincts.

LEGISLATIVE COUNSEL'S DIGEST

AB 280, as amended, Robert Pacheco. Precinct formation: voters.

Existing law prescribes the duties of county elections officials in connection with the formation of election precincts or the change of precinct boundaries, among other things, and provides that the number of voters may not exceed 1,000 in any new or changed voting precinct. Existing law also requires the precinct boundaries for a general election *to* be the same as the precinct boundaries for a primary election, except as specified.

This bill would increase to 1,250 in counties with a population of 1,000,000 or more, ~~in~~ the maximum number of voters allowable in a voting precinct. The bill would require an elections official to provide *to* the Secretary of State and to the public written information that addresses specified factors before establishing a precinct in which the number of voters exceeds 1,000. It would require a county that increases

an election precinct to more than 1,000 voters to report that action to the Secretary of State and would require the Secretary of State to report to the Legislature by January 1, 2004, as specified.

Existing law permits the consolidation of election precincts for a local, special, or consolidated election, and certain statewide elections, so that not more than 6 existing precincts may be consolidated into one election precinct, with the polling place located within the boundaries of the consolidated precinct.

This bill would delete the authorization to consolidate precincts for a special election.

Existing law requires that the precinct board consist of a minimum of one inspector and 2 clerks.

This bill would require that the precinct board consist of a minimum of one inspector and 3 clerks if the elections official opts to increase precinct size to 1,250 voters pursuant to this bill.

The provisions of this bill would remain in effect only until January 1, 2005.

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 the Legislature finds there is no mandate contained in the bill that will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. It is the intent of the Legislature to do all of the
- 2 following:
- 3 (a) Increase precinct size insofar as it facilitates a decrease in
- 4 the number of polling places in private residences that are not
- 5 easily accessible to the disabled or elderly.
- 6 (b) Increase the consistency of polling place locations.
- 7 (c) Increase the number of poll workers who continue to serve
- 8 on precinct boards over the course of elections.



1 SEC. 2. Section 12223 of the Elections Code is amended to
2 read:

3 12223. (a) Whenever any jurisdiction is divided into
4 election precincts or whenever the boundaries of established
5 precincts are changed or new precincts created, the precinct
6 boundaries shall be fixed in a manner so that the number of voters
7 in each precinct does not exceed 1,000 in counties with a
8 population of less than 1,000,000, and does not exceed 1,250 in all
9 other counties, on the 88th day prior to the day of election, unless
10 otherwise provided by law.

11 (b) Before establishing an election precinct in which the
12 number of voters exceeds 1,000, the elections official shall provide
13 to the Secretary of State and to the public written information
14 which addresses all of the following:

15 (1) Absentee voting patterns of the registered voters in the
16 proposed precinct areas.

17 (2) Voter turnout rates at polling places in the precinct areas.

18 (3) The consistency of the location of the polling place, from
19 one statewide election to the next.

20 (4) Proposed staffing levels at the precinct and training to be
21 provided to poll workers.

22 (5) Compliance with the federal Voting and Accessibility for
23 the Elderly and Handicapped Act of 1984 (42 U.S.C. Sec. 1973ee)
24 and Section 12280 of this code.

25 (c) A county that increases any election precinct to more than
26 1,000 voters shall report that action to the Secretary of State and
27 shall provide any information required by the Secretary of State to
28 determine the impact of that increase. The Secretary of State shall
29 report to the Legislature by January 1, 2004, on the impact of
30 election precincts in excess of 1,000 voters. The report shall
31 include recommendations about whether or not future legislative
32 action is necessary.

33 (d) This section shall remain in effect only until January 1,
34 2005, and as of that date is repealed, unless a later enacted statute,
35 that is enacted before January 1, 2005, deletes or extends that date.

36 SEC. 3. Section 12223 is added to the Elections Code, to read:

37 12223. (a) Whenever a jurisdiction is divided into election
38 precincts or whenever the boundary of an established precinct is
39 changed or a new precinct is created, the precinct boundary shall
40 be fixed in a manner so that the number of voters in the precinct



1 does not exceed 1,000 on the 88th day prior to the day of election,
2 unless otherwise provided by law.

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

4 SEC. 4. Section 12241 of the Elections Code is amended to
5 read:

6 12241. (a) The elections official conducting local or
7 consolidated elections, or statewide elections other than the direct
8 primary, presidential primary, or general election, may, for the
9 purpose of the election, divide the territory within which the
10 election is to be held into consolidated election precincts by
11 consolidating existing precincts, or otherwise, subject to Section
12 12222, and may change and alter the precincts for those elections
13 as often as occasion requires. Not more than six existing precincts
14 may be consolidated into one consolidated election precinct. The
15 polling place used for a consolidated precinct shall be located
16 within the boundaries of the consolidated precinct.

17 (b) This section shall remain in effect only until January 1,
18 2005, and as of that date is repealed, unless a later enacted statute,
19 that is enacted before January 1, 2005, deletes or extends that date.

20 SEC. 5. Section 12241 is added to the Elections Code, to read:

21 12241. (a) The elections official conducting local, special, or
22 consolidated elections, or statewide elections other than the direct
23 primary, presidential primary, or general election, for the purpose
24 of the election, may divide the territory within which the election
25 is to be held into special election or consolidated election precincts
26 by consolidating existing precincts, or otherwise, subject to
27 Section 12222, and may change and alter the precincts for those
28 elections as often as occasion requires. Not more than six existing
29 precincts may be consolidated into one special election or
30 consolidated election precinct. The polling place used for a
31 consolidated precinct shall be located within the boundaries of the
32 consolidated precinct.

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

34 SEC. 6. Section 12261 of the Elections Code is amended to
35 read:

36 12261. (a) The boundaries of precincts for the general
37 election shall be the same as those established for the direct
38 primary election, except to the extent necessary to add or subtract
39 precincts as the result of population change or to divide precincts
40 containing more than 1,000 voters in counties with a population of



1 less than 1,000,000, or more than 1,250 in all other counties, or to
2 change precinct boundaries due to jurisdictional boundary
3 changes, or consolidations of elections. Changes of precinct
4 boundaries may also be made when consolidating precincts.

5 (b) This section shall remain in effect only until January 1,
6 2005, and as of that date is repealed, unless a later enacted statute,
7 that is enacted before January 1, 2005, deletes or extends that date.

8 SEC. 7. Section 12261 is added to the Elections Code, to read:

9 12261. (a) The boundaries of precincts for the general
10 election shall be the same as those established for the direct
11 primary election, except to the extent necessary to add or subtract
12 precincts as the result of population change or to divide precincts
13 containing more than 1,000 voters or to change precinct
14 boundaries due to jurisdictional boundary changes, or
15 consolidations of elections. Changes of precinct boundaries may
16 also be made when consolidating precincts.

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

18 SEC. 8. Section 12304 of the Elections Code is amended to
19 read:

20 12304. (a) The composition of the precinct board shall be
21 determined by the elections official based on election precinct size.
22 The precinct board shall consist of a minimum of one inspector and
23 two clerks. If the elections official opts to increase precinct size to
24 1,250 pursuant to Section 12223, the precinct board shall consist
25 of a minimum of one inspector and three clerks. Additional clerk
26 positions may be allocated in proportion to the number of
27 registered voters within the precinct.

28 (b) This section shall remain in effect only until January 1,
29 2005, and as of that date is repealed, unless a later enacted statute,
30 that is enacted before January 1, 2005, deletes or extends that date.

31 SEC. 9. Section 12304 is added to the Elections Code, to read:

32 12304. (a) The composition of the precinct board shall be
33 determined by the elections official based on election precinct size.
34 The precinct board shall consist of a minimum of one inspector and
35 two clerks. Additional clerk positions may be allocated in
36 proportion to the number of registered voters within the precinct.

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

38 SEC. 10. Pursuant to Section 17579 of the Government Code,
39 the Legislature finds that there is no mandate contained in this act
40 that will result in costs incurred by a local agency or school district



1 for a new program or higher level of service which require
2 reimbursement pursuant to Section 6 of Article XIII B of the
3 California Constitution and Part 7 (commencing with Section
4 17500) of Division 4 of Title 2 of the Government Code.

5 ~~SEC. 11.— Notwithstanding Section 17610 of the Government~~
6 ~~Code, if the Commission on State Mandates determines that this~~
7 ~~act contains costs mandated by the state, reimbursement to local~~
8 ~~agencies and school districts for those costs shall be made pursuant~~
9 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~
10 ~~2 of the Government Code. If the statewide cost of the claim for~~
11 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~
12 ~~reimbursement shall be made from the State Mandates Claims~~
13 ~~Fund.~~

