

Assembly Bill No. 2368

CHAPTER 371

An act to amend Sections 9222, and 9286 of, to add Sections 10104 and 10414 to, and to repeal and add Sections 10262 and 10263 of, the Elections Code, relating to conduct of elections.

[Approved by Governor September 4, 2002. Filed with Secretary of State September 5, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2368, Robert Pacheco. Conduct of elections.

(1) Existing law authorizes the legislative body of a city to submit to the voters, without a petition, a proposition for the repeal, amendment, or enactment of any ordinance, and authorizes the proposition to be submitted, or a special election to be called, for the purpose of voting on the proposition.

This bill would require the election to be held not less than 88 days after the date of the order of election.

(2) Existing law requires a city elections official to fix and determine a reasonable date prior to an election after which no arguments for or against any city measure may be submitted for printing and distribution to the voters.

This bill would require the city elections official to fix a date 14 days from the calling of the election as a deadline, thereby imposing a state-mandated local program. This bill would make this provision inapplicable to a consolidated municipal election.

(3) Existing law authorizes an act required under the Elections Code to be performed on the next business day with the same effect as if it had been performed on the day appointed, when the last day for the performance of that act is a holiday.

This bill would further authorize a required act to be performed on the next business day with the same effect as if it had been performed on the day appointed, when on the last day the elections official's office is closed pursuant to a resolution or ordinance. This bill would make this provision inapplicable to a consolidated municipal election.

(4) Existing law requires the city governing body to meet on the 2nd Tuesday after the election to canvass the returns, subject to specified procedures, and install the newly elected officers. It permits the governing body, by resolution, to order the elections official to canvass the returns, subject to specified procedures, prior to the 2nd Tuesday after the election.



This bill would revise these procedures by requiring the municipal elections official to conduct the canvass, subject to specified provisions of law, and to certify the results to the governing body. It would revise the timelines for certification of results by the elections official and for the declaration and installation of newly elected officers by the governing body in municipal and consolidated elections. This bill, by adding to the duties of municipal elections officials, would impose a state-mandated local program.

(5) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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 these statutory provisions.

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

SECTION 1. Section 9222 of the Elections Code is amended to read:

9222. The legislative body of the city may submit to the voters, without a petition therefor, a proposition for the repeal, amendment, or enactment of any ordinance, to be voted upon at any succeeding regular or special city election, and if the proposition submitted receives a majority of the votes cast on it at the election, the ordinance shall be repealed, amended, or enacted accordingly. A proposition may be submitted, or a special election may be called for the purpose of voting on a proposition, by ordinance or resolution. The election shall be held not less than 88 days after the date of the order of election.

SEC. 2. Section 9286 of the Elections Code is amended to read:

9286. (a) Based on the time reasonably necessary to prepare and print the arguments and sample ballots and to permit the 10-calendar-day public examination as provided in Article 6 (commencing with Section 9295) for the particular election, the city elections official shall fix a date 14 days from the calling of the election as a deadline, after which no arguments for or against any city measure may be submitted for printing and distribution to the voters, as provided in this article. Arguments may be changed or withdrawn by their proponents until and including the date fixed by the city elections official during the normal business hours of the elections official's office, as posted.



(b) This section is not applicable when the election is consolidated with another election pursuant to Part 3 (commencing with Section 10400) of Division 10.

SEC. 3. Section 10104 is added to the Elections Code, to read:

10104. (a) Notwithstanding Section 15, if the last day for the performance of any act provided for or required by this code is a day when the elections official's office is closed pursuant to a resolution or ordinance of the legislative body, the act may be performed upon the next business day with the same effect as if it had been performed upon the day appointed.

(b) This section is not applicable when the election is consolidated with another election pursuant to Part 3 (commencing with Section 10400) of Division 10.

SEC. 4. Section 10262 of the Elections Code is repealed.

SEC. 5. Section 10262 is added to the Elections Code, to read:

10262. The canvass shall be conducted by the elections official. Sections 15302 and 15303 shall govern the conduct of the canvass. Upon the completion of the canvass, the elections official shall certify the results to the governing body.

(a) Except as provided in subdivision (b), the canvass shall be completed by the elections official no later than the third Friday after the election. Upon completion of the canvass, the elections official shall certify the results to the governing body which shall, no later than the third Friday after the election, comply with the applicable provisions of Section 10263.

(b) For a consolidated election, the city elections official, upon receipt of the results of the election from the elections official conducting the election, shall certify the results to the governing body which shall, no later than the third Friday following presentation of the 28-day canvass of the returns, comply with the applicable provisions of Section 10263.

SEC. 6. Section 10263 of the Elections Code is repealed.

SEC. 7. Section 10263 is added to the Elections Code, to read:

10263. Upon the completion of the canvass and before installing the new officers, the governing body shall adopt a resolution reciting the fact of the election and the other matters that are enumerated in Section 10264. The governing body shall declare elected the persons for whom the highest number of votes were cast for each office.

(a) Except as provided in subdivision (b), the governing body shall meet at its usual place of meeting no later than the third Friday after the election to declare the results and to install the newly elected officers.

(b) For a consolidated election, the governing body shall meet at its usual place of meeting no later than the third Friday following



presentation of the 28-day canvass of the returns to declare the results and to install the newly elected officers.

SEC. 8.

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

