

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1544

Introduced by Assembly Member Simitian

February 21, 2003

An act to ~~amend Section 400 of~~ *add Section 4004* to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1544, as amended, Simitian. Elections.

Under existing law, local, special, and consolidated elections may be conducted wholly by mail if the local agency's governing board so authorizes, the election is not on the same date as a statewide direct primary or general election, and one of certain other situations is satisfied. One of these situations is that the election be one in which there are no more than 1,000 registered, eligible voters.

~~This bill would allow these elections to be conducted wholly by mail if the election is one in which there are no more than 10,000 registered, eligible voters, and the other requirements of existing law are satisfied.~~

~~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.

This bill would permit a small city with a population of 100,000 or less, and a eligible entity, as defined, to conduct an election therein wholly by all-mail ballot, subject to certain conditions, including that the election is a special election to fill a vacancy in the legislative body of the small city or the governing board of the eligible entity. Because this bill would increase the duties of local elections officials, it would create 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 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: yes.

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

- 1 ~~SECTION 1. Section 4000 of the Elections Code is amended~~
- 2 *SECTION 1. Section 4004 is added to the Elections Code, to*
- 3 *read:*
- 4 *4004. (a) "Small city" means a city with a population of*
- 5 *100,000 or less.*
- 6 *(b) "Eligible entity" means a school district or a special*
- 7 *district.*
- 8 *(c) Notwithstanding Sections 1502 and 4000, an election in a*
- 9 *small city or an eligible entity may be conducted wholly as an*
- 10 *all-mail ballot election, subject to the following conditions:*
- 11 *(1) The legislative body of the small city or the governing body*
- 12 *of the eligible entity, by resolution, authorizes the use of mailed*
- 13 *ballots for the election.*
- 14 *(2) The election is a special election to fill a vacancy in the*
- 15 *legislative body or governing body.*
- 16 *(3) The election is not held on the same date as a statewide*
- 17 *primary or general election.*



1 (4) *The return of voted mail ballots is subject to Section 3017.*
2 *SEC. 2. Pursuant to Section 17579 of the Government Code,*
3 *the Legislature finds that there is no mandate contained in this act*
4 *that will result in costs incurred by a local agency or school district*
5 *for a new program or higher level of service which require*
6 *reimbursement pursuant to Section 6 of Article XIII B of the*
7 *California Constitution and Part 7 (commencing with Section*
8 *17500) of Division 4 of Title 2 of the Government Code.*

9 *to read:*

10 ~~4000. Any local, special, or consolidated election may be~~
11 ~~conducted wholly by mail provided that all of the following~~
12 ~~conditions apply:~~

13 ~~(a) The governing body of the local agency authorizes the use~~
14 ~~of mailed ballots for the election.~~

15 ~~(b) The election does not occur on the same date as a statewide~~
16 ~~direct primary election or statewide general election.~~

17 ~~(c) The election is one of the following:~~

18 ~~(1) An election in which no more than 10,000 registered voters~~
19 ~~are eligible to participate.~~

20 ~~(2) A maximum property tax rate election as provided for in~~
21 ~~Section 2287 of the Revenue and Taxation Code.~~

22 ~~(3) An election on a measure or measures restricted to (A) the~~
23 ~~imposition of special taxes, or (B) expenditure limitation~~
24 ~~overrides, or (C) both (A) and (B), in a city, county, or special~~
25 ~~district with 5,000 or less registered voters calculated as of the time~~
26 ~~of the last report of registration by the county elections official to~~
27 ~~the Secretary of State.~~

28 ~~(4) An election on the issuance of a general obligation water~~
29 ~~bond in accordance with Section 12944.5 of the Water Code.~~

30 ~~(5) An election of the Directors of the Monterey Peninsula~~
31 ~~Water Management District as authorized in Section 122 of~~
32 ~~Chapter 527 of the Statutes of 1977, known as the Monterey~~
33 ~~Peninsula Water Management District Law.~~

34 ~~(6) An election of the Aliso Water Management Agency, or its~~
35 ~~affected member agencies, pursuant to Sections 13416 and 13417~~
36 ~~of the Water Code.~~

37 ~~(7) An election of the San Jacinto Mountain Area Water Study~~
38 ~~Agency pursuant to Sections 13416 and 13417 of the Water Code.~~

39 ~~(8) An election of the San Lorenzo Valley Water District~~
40 ~~pursuant to Sections 13416 and 13417 of the Water Code.~~



1 ~~(9) Any election or assessment ballot proceeding required or~~
2 ~~authorized by Article XIII C or XIII D of the California~~
3 ~~Constitution. However, when an assessment ballot proceeding is~~
4 ~~conducted by mail pursuant to this section, the following rules~~
5 ~~shall apply:~~

6 ~~(A) The proceeding shall be denominated an “assessment~~
7 ~~ballot proceeding” rather than an election.~~

8 ~~(B) Ballots shall be denominated “assessment ballots.”~~

9 ~~SEC. 2. Notwithstanding Section 17610 of the Government~~
10 ~~Code, if the Commission on State Mandates determines that this~~
11 ~~act contains costs mandated by the state, reimbursement to local~~
12 ~~agencies and school districts for those costs shall be made pursuant~~
13 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~
14 ~~2 of the Government Code. If the statewide cost of the claim for~~
15 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~
16 ~~reimbursement shall be made from the State Mandates Claims~~
17 ~~Fund.~~

