

AMENDED IN SENATE AUGUST 4, 2008  
AMENDED IN ASSEMBLY APRIL 15, 2008  
AMENDED IN ASSEMBLY MARCH 25, 2008  
CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2633**

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**Introduced by Assembly Member Torrico**

February 22, 2008

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An act to amend ~~Sections 12222 and~~ *Section* 12241 of, and to add ~~Section 12280.5~~ *12286.5* to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2633, as amended, Torrico. Election precincts.

~~Existing law requires the elections official for each jurisdiction to divide the jurisdiction into precincts and to appoint election officers to serve as a precinct board for each precinct. Existing law directs that the composition of each precinct board shall be determined by the elections official based on the size of the precinct, with each board consisting of at least one inspector and 2 clerks plus any additional clerk positions as may be allocated in proportion to the number of registered voters within the precinct. Existing law provides that if, at any election, a precinct contains an insufficient number of qualified persons to make up a precinct board, the precinct may be consolidated with an adjoining precinct.~~

~~This bill would eliminate the provision that a precinct containing an insufficient number of qualified persons to make up a precinct board may be consolidated with an adjoining precinct.~~

~~Existing law provides that an elections official conducting a local, special, or consolidated election, or a statewide election other than the~~

direct primary, presidential primary, or general election, may, for the purpose of the election, divide the jurisdiction into special election or consolidated election precincts by consolidating existing precincts.

~~This bill would allow an elections official to divide a jurisdiction into consolidated election precincts for the purpose of any election. The bill would require that, for a statewide direct primary, presidential primary, or general election, the voters of each consolidated election precinct be divided into separate groups as nearly equal in number as possible, such that the number of voters in each group does not exceed the maximum permitted under law. The bill would require that one precinct board be appointed to serve each group, and it would further require that there be a ballot box for, and a set of returns from, each group. Under the bill, a consolidated election precinct that has been formed from more than one precinct would be required to comply with all accessibility requirements under state and federal law.~~

*This bill would require that the polling place used for a special election precinct or consolidated election precinct comply with all requirements under state and federal law regarding access for individuals with disabilities.*

Existing law requires the elections official for each jurisdiction to designate a polling place for each precinct prior to an election.

~~This bill would require that the designated polling place for a precinct shall be located within the boundaries of the precinct or, if the precinct is in a consolidated election precinct, within the boundaries of the consolidated election precinct.~~

*This bill would prohibit a polling place from being located outside the precinct for which it is designated unless the precinct in which the polling place is located also includes the polling place that was designated for that precinct, all polling places located in the same precinct were designated for contiguous precincts, and the polling place complies with all requirements under state and federal law regarding access for individuals with disabilities. The bill would further prohibit a precinct from having more than 6 polling places located within its boundaries.*

By placing additional duties on 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 these 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 12241 of the Elections Code is amended*  
2 *to read:*

3     12241. (a) The elections official conducting local, special, or  
4 consolidated elections, or statewide elections other than the direct  
5 primary, presidential primary, or general election, for the purpose  
6 of the election, may divide the territory within which the election  
7 is to be held into special election or consolidated election precincts  
8 by consolidating existing precincts, or otherwise, subject to Section  
9 12222, and may change and alter the precincts for those elections  
10 as often as occasion requires. Not more than six existing precincts  
11 may be consolidated into one special election or consolidated  
12 election precinct. The polling place used for a consolidated precinct  
13 shall be located within the boundaries of the consolidated precinct.

14     (b) ~~This section shall become operative on January 1, 2005. The~~  
15 *polling place used for a special election precinct or consolidated*  
16 *election precinct shall comply with all requirements under state*  
17 *and federal law regarding access for individuals with disabilities.*

18     *SEC. 2. Section 12286.5 is added to the Elections Code, to*  
19 *read:*

20     12286.5. (a) *A polling place shall not be located outside the*  
21 *precinct for which it is designated unless all of the following apply:*

22     (1) *The precinct in which the polling place is located also*  
23 *includes the polling place that was designated for that precinct.*

24     (2) *All polling places located in the same precinct were*  
25 *designated for contiguous precincts.*

26     (3) *The polling place complies with all requirements under state*  
27 *and federal law regarding access for individuals with disabilities.*

28     (b) *A precinct shall have not more than six polling places*  
29 *located within its boundaries.*

30     *SEC. 3. If the Commission on State Mandates determines that*  
31 *this act contains costs mandated by the state, reimbursement to*

1 *local agencies and school districts for those costs shall be made*  
2 *pursuant to Part 7 (commencing with Section 17500) of Division*  
3 *4 of Title 2 of the Government Code.*

4 SECTION 1. Section 12222 of the Elections Code is amended  
5 to read:

6 ~~12222. No precinct shall be established so that its boundary~~  
7 ~~crosses the boundary of any supervisorial district, congressional~~  
8 ~~district, Senate district, Assembly district, board of equalization~~  
9 ~~district, judicial district, incorporated city, ward, or city council~~  
10 ~~district. To the extent possible, without subjecting the voter to~~  
11 ~~significant inconvenience, precinct boundaries should not cross~~  
12 ~~census tract or enumeration district lines.~~

13 SEC. 2. Section 12241 of the Elections Code is amended to  
14 read:

15 ~~12241. (a) The elections official, for the purpose of an election,~~  
16 ~~may divide the territory within which the election is to be held into~~  
17 ~~consolidated election precincts by consolidating existing precincts.~~

18 ~~(b) Not more than six existing precincts may be consolidated~~  
19 ~~into one consolidated election precinct.~~

20 ~~(c) For a statewide direct primary, presidential primary, or~~  
21 ~~general election, the voters of a consolidated election precinct shall~~  
22 ~~be divided into separate groups as nearly equal in number as~~  
23 ~~possible, such that the number of voters in each group shall not~~  
24 ~~exceed the maximum number of voters permitted under Section~~  
25 ~~12223, and one precinct board shall be appointed to serve each~~  
26 ~~group. When the voters of a precinct are divided pursuant to this~~  
27 ~~subdivision, there shall be a ballot box for, and a set of returns~~  
28 ~~from, each group.~~

29 ~~(d) A consolidated election precinct that has more than one~~  
30 ~~precinct shall comply with all accessibility requirements under~~  
31 ~~state and federal law.~~

32 SEC. 3. Section 12280.5 is added to the Elections Code, to  
33 read:

34 ~~12280.5. The polling place designated for a precinct shall be~~  
35 ~~located within the boundaries of the precinct or, if the precinct is~~  
36 ~~in a consolidated election precinct formed pursuant to Section~~  
37 ~~12241, within the boundaries of the consolidated election precinct.~~

38 SEC. 4. If the Commission on State Mandates determines that  
39 this act contains costs mandated by the state, reimbursement to  
40 local agencies and school districts for those costs shall be made

1 pursuant to Part 7 (commencing with Section 17500) of Division  
2 4 of Title 2 of the Government Code.

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