

## Senate Bill No. 1275

### CHAPTER 685

An act to amend Sections 10703 and 10704 of the Elections Code, relating to elections.

[Approved by Governor September 28, 2012. Filed with Secretary of State September 28, 2012.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1275, Lieu. Vacancies in office: special elections.

Existing law requires the Governor to issue a proclamation calling a special election to fill a vacancy in the office of Representative in Congress or either house of the Legislature within 14 days of when the vacancy occurs. Existing law requires that a special general election be conducted to fill the vacancy on a Tuesday at least 112 days, but not more than 126 days, following the issuance of the election proclamation. Existing law requires that a special primary election be conducted on a Tuesday either 8 or 9 weeks prior to the date of the special general election, as specified. Existing law imposes deadlines relating to the filing of nomination papers for a candidate in a special primary election, as specified. Existing law also imposes deadlines for submitting an application for a vote by mail ballot in a special election.

This bill would, instead, require that the special general election occur at least 126 days, but not more than 140 days, after the issuance of the election proclamation. In addition, this bill would require that the special primary election be conducted on a Tuesday either 9 or 10 weeks prior to the date of the special general election, as specified. This bill would also revise the deadlines relating to the filing of nomination papers for a candidate in a special primary election. The bill would require that an application for a vote by mail ballot in a special election be made in the same manner as for a regular election.

By imposing new duties or higher levels of service 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 these statutory provisions.

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

SECTION 1. Section 10703 of the Elections Code is amended to read:  
10703. (a) A special election to fill a vacancy in the office of Representative in Congress, State Senator, or Member of the Assembly shall be conducted on a Tuesday at least 126 days, but not more than 140 days, following the issuance of an election proclamation by the Governor pursuant to Section 1773 of the Government Code, except that the special election may be conducted within 180 days following the proclamation in order that the election or the primary election may be consolidated with the next regularly scheduled statewide election or local election occurring wholly or partially within the same territory in which the vacancy exists, provided that the voters eligible to vote in the local election comprise at least 50 percent of all the voters eligible to vote on the vacancy.

(b) Except as provided in Chapter 3 (commencing with Section 10730), a special election or a primary election may not be conducted on the day after a state holiday.

SEC. 2. Section 10704 of the Elections Code is amended to read:

10704. (a) Except as provided in subdivision (b), a special primary election shall be held in the district in which the vacancy occurred on the 9th Tuesday or, if the 9th Tuesday is the day of or the day following a state holiday, the 10th Tuesday preceding the day of the special general election at which the vacancy is to be filled. Candidates at the primary election shall be nominated in the manner set forth in Chapter 1 (commencing with Section 8000) of Part 1 of Division 8, except that nomination papers shall not be circulated more than 73 days before the primary election, shall be left with the county elections official for examination not less than 53 days before the primary election, and shall be filed with the Secretary of State not less than 53 days before the primary election.

(b) A special primary election shall be held in the district in which the vacancy occurred on the 10th Tuesday preceding the day of the special general election at which the vacancy is to be filled if both of the following conditions apply:

(1) The 10th Tuesday preceding the day of the special general election is an established election date pursuant to Section 1000.

(2) A statewide or local election occurring wholly or partially within the same territory in which the vacancy exists is scheduled for the 10th Tuesday preceding the day of the special general election.

(c) An application for a vote by mail ballot for a special election shall be made and processed in the manner required by Section 3001.

(d) The sample ballot for a special election shall contain a written explanation of the election procedure for voter-nominated office as specified in subdivision (b) of Section 9083.5. Immediately after the explanation shall be printed the following: "If one candidate receives more than 50% of the votes cast at the special primary election, he or she will be elected to fill the vacancy and no special general election will be held."

(e) On the ballot for a special election, immediately below the instructions to voters, there shall be a box not less than one-half inch high enclosed by a heavy-ruled line the same as the borderline. This box shall be as long as there are columns for the ballot and shall be set directly above these columns. Within the box shall be printed the words "Voter-Nominated Office." Immediately below that phrase within the same box shall be printed the following:

"All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated office. The party preference, if any, designated by a candidate is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate."

SEC. 3. 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.