

**ASSEMBLY BILL**

**No. 1873**

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**Introduced by Assembly Member Gonzalez**

February 19, 2014

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An act to amend Sections 4004 and 10703 of, and to add Section 4000.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1873, as introduced, Gonzalez. Mail ballot elections.

(1) Existing law provides for the calling of a special election to fill a congressional or legislative vacancy. Under existing law, the governing body of a local agency is authorized to conduct a local, special, or consolidated election wholly by mail under specified conditions.

This bill would authorize a board of supervisors of a county to conduct a special election or special consolidated election to fill a congressional or legislative vacancy wholly by mail under specified conditions.

(2) Existing law authorizes an election in a small city, defined as a city with a population of 100,000 or less, or in a school district or special district, to be conducted wholly as an all-mail ballot election, subject to certain conditions, including that the election is a special election to fill a vacancy in the legislative body or governing body and that the election not be consolidated with any other election.

This bill would remove the requirement that an all-mail ballot election be conducted only in a city with a population of 100,000 or less. The bill would also delete the provision prohibiting a consolidated election from being conducted wholly by mail, and would instead provide that in order to conduct an all-mail ballot election in a consolidated election in which boundaries overlap, all jurisdictions of the overlapping boundaries would be required to agree to conduct the election as an

all-mail ballot election. The bill would additionally authorize a municipal election, as specified, to be conducted as an all-mail ballot election.

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

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

1 SECTION 1. Section 4000.5 is added to the Elections Code,  
2 to read:

3 4000.5. (a) Notwithstanding Section 4000, a special election  
4 or special consolidated election may be conducted wholly by mail  
5 to fill a vacancy in a congressional or legislative office if all of the  
6 following apply:

7 (1) The board of supervisors, by resolution, authorizes the use  
8 of mailed ballots for the election.

9 (2) The election does not occur on the same date as a statewide  
10 primary or general election or any other election conducted in an  
11 overlapping jurisdiction that is not consolidated and conducted  
12 wholly by mail pursuant to this section.

13 (3) (A) At least one ballot dropoff location is provided per city  
14 and is open during business hours to receive voted ballots  
15 beginning 21 days before the date of the election.

16 (B) The number of dropoff locations in unincorporated areas  
17 shall be based on the number of unincorporated registered voters  
18 divided by 100,000 (rounded to the next whole number) with no  
19 less than one location to be selected.

20 (C) At least one polling place is provided pursuant to  
21 subparagraphs (A) and (B) where voters can request a ballot  
22 between 7 a.m. and 8 p.m. on the day of the election if they have  
23 not received their ballots in the mail or if they need replacement  
24 ballots for any other reason.

25 (4) The elections official delivers to each voter all supplies  
26 necessary for the use and return of the mail ballot, including an  
27 envelope for the return of the voted mail ballot with postage  
28 prepaid.

29 (5) The elections official delivers to each voter, with either the  
30 sample ballot sent pursuant to Section 13303 or with the voter's  
31 ballot, a list of the ballot dropoff locations pursuant to paragraph  
32 (3), and also posts that list on the Internet Web site of the county  
33 elections office.

1 (b) If a congressional or legislative district overlaps multiple  
2 counties, the county having the majority of the voters in the vacant  
3 jurisdiction shall determine whether the special election will be  
4 conducted wholly by mail pursuant to this section.

5 (c) The return of voted mail ballots is subject to Section 3017.

6 SEC. 2. Section 4004 of the Elections Code is amended to read:

7 ~~4004. (a) "Small city" means a city with a population of~~  
8 ~~100,000 or less, as determined by the annual city total population~~  
9 ~~rankings by the Demographic Research Unit of the Department of~~  
10 ~~Finance.~~

11 ~~(b) "Eligible entity" means a school district or a special district.~~

12 ~~(c)~~

13 ~~4004.~~ Notwithstanding Sections 1500 and 4000, an election in  
14 ~~a small city or an eligible entity, school district, or special district~~  
15 may be conducted wholly as an all-mail ballot election, subject to  
16 the following conditions:

17 ~~(1)~~

18 ~~(a) The legislative body of the small city or the governing body~~  
19 ~~of the eligible entity school district or special district, by~~  
20 resolution, authorizes the use of mailed ballots for the election.

21 ~~(2)~~

22 ~~(b) The election is a special election to fill a vacancy in the~~  
23 ~~legislative body or governing body, or is a special election~~  
24 ~~conducted pursuant to Chapter 3 (commencing with Section 9200)~~  
25 ~~of Division 9.~~

26 ~~(3)~~

27 ~~(c) The election is not held on the same date as a statewide~~  
28 primary or general election.

29 ~~(4) The election is not consolidated with any other election.~~

30 ~~(d) In a consolidated election in which boundaries overlap, all~~  
31 ~~of the jurisdictions within the overlapping boundaries agree to~~  
32 ~~conduct the election as an all-mail ballot election.~~

33 ~~(5)~~

34 ~~(e) The return of voted mail ballots is subject to Section 3017.~~

35 SEC. 3. Section 10703 of the Elections Code is amended to  
36 read:

37 ~~10703. (a)~~ A special election to fill a vacancy in the office of  
38 Representative in Congress, State Senator, or Member of the  
39 Assembly shall be conducted on a Tuesday at least 126 days, but  
40 not more than 140 days, following the issuance of an election

1 proclamation by the Governor pursuant to Section 1773 of the  
2 Government Code, except that the special election may be  
3 conducted within 180 days following the proclamation in order  
4 that the election or the primary election may be consolidated with  
5 the next regularly scheduled statewide election or local election  
6 occurring wholly or partially within the same territory in which  
7 the vacancy exists, provided that the voters eligible to vote in the  
8 local election comprise at least 50 percent of all the voters eligible  
9 to vote on the vacancy.

10 ~~(b)~~

11 *(a)* Except as provided in Chapter 3 (commencing with Section  
12 10730), a special election or a primary election may not be  
13 conducted on the day after a state holiday.

14 *(b)* *A special election described in this section may be conducted*  
15 *wholly by mail pursuant to Section 4000.5.*