

AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 519**

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**Introduced by Senator Emmerson**

February 21, 2013

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~~An act to amend Section 10704 of the Elections Code, relating to elections.~~ *An act to amend Section 13001 of the Elections Code, relating to special elections, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 519, as amended, Emmerson. ~~Vacancies in office: special elections.~~ *Special elections.*

*Existing law provides that expenses authorized and necessarily incurred in the preparation for and conduct of elections are to be paid from the county treasuries, except as specified.*

*This bill would provide that expenses authorized and necessarily incurred on or after January 1, 2012, and before December 31, 2013, for elections proclaimed by the Governor to fill a vacancy in the office of Senator or Member of the Assembly, or to fill a vacancy in the office of United States Senator or Member of the United States House of Representatives, shall be paid by the state.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~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 primary election 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. Existing law imposes deadlines relating to the filing of nomination papers for a candidate in a special primary election, as specified.~~

~~This bill would make nonsubstantive changes to the provision related to the deadlines imposed on a candidate in a special primary election relating to the filing of nomination papers.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~no~~<sup>yes</sup>. State-mandated local program: no.

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

1     *SECTION 1. The Legislature recognizes the unnecessary*  
 2     *burden that unreimbursed special elections have had on*  
 3     *California’s 58 counties. These special elections have forced the*  
 4     *counties to redirect important funds that should be used to provide*  
 5     *critical services to the community.*

6     *SEC. 2. Section 13001 of the Elections Code is amended to*  
 7     *read:*

8     13001. ~~All~~*(a) (1) Except as provided in subdivision (b),*  
 9     *expenses authorized and necessarily incurred in the preparation*  
 10     *for, and conduct of, elections as provided in this code shall be paid*  
 11     *from the county treasuries, except that when if an election is called*  
 12     *by the governing body of a city the expenses shall be paid from*  
 13     *the treasury of the city. All payments shall be made in the same*  
 14     *manner as other county or city expenditures are made. The elections*  
 15     *official, in providing the materials required by this division, need*  
 16     *not utilize the services of the county or city purchasing agent.*

17     *(2) All payments under this subdivision shall be made in the*  
 18     *same manner as other county or city expenditures are made.*

19     *(b) All expenses authorized and necessarily incurred on or after*  
 20     *January 1, 2012, and before December 31, 2013, in the preparation*  
 21     *for, and conduct of, elections proclaimed by the Governor to fill*  
 22     *a vacancy in the office of Senator or Member of the Assembly, or*  
 23     *to fill a vacancy in the office of United States Senator or Member*  
 24     *of the United States House of Representatives, shall be paid by the*  
 25     *state.*

26     *(c) The elections official, in providing the materials required*  
 27     *by this division, need not utilize the services of the county or city*  
 28     *purchasing agent.*

1     *SEC. 3. This act is an urgency statute necessary for the*  
2 *immediate preservation of the public peace, health, or safety within*  
3 *the meaning of Article IV of the Constitution and shall go into*  
4 *immediate effect. The facts constituting the necessity are:*

5     *In order to assure the orderly conduct of elections during the*  
6 *ongoing dire fiscal climate by relieving counties of responsibility*  
7 *for expenses incurred on or after January 1, 2012, and before*  
8 *December 31, 2013, for the preparation and conduct of elections*  
9 *proclaimed by the Governor for specified purposes, it is necessary*  
10 *that this bill go into immediate effect.*

11     SECTION 1. Section 10704 of the Elections Code is amended  
12 to read:

13     ~~10704. (a) Except as provided in subdivision (b), a special~~  
14 ~~primary election shall be held in the district in which the vacancy~~  
15 ~~occurred on the 9th Tuesday or, if the 9th Tuesday is the day of~~  
16 ~~or the day following a state holiday, the 10th Tuesday preceding~~  
17 ~~the day of the special general election at which the vacancy is to~~  
18 ~~be filled. Candidates at the primary election shall be nominated in~~  
19 ~~the manner set forth in Chapter 1 (commencing with Section 8000)~~  
20 ~~of Part 1 of Division 8, except that nomination papers shall not be~~  
21 ~~circulated more than 73 days before the primary election, shall be~~  
22 ~~left with the county elections official for examination not less than~~  
23 ~~53 days before the primary election, and shall be filed with the~~  
24 ~~Secretary of State not less than 53 days before the primary election.~~

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

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

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

35     ~~(c) An application for a vote by mail ballot for a special election~~  
36 ~~shall be made and processed in the manner required by Section~~  
37 ~~3001.~~

38     ~~(d) The sample ballot for a special election shall contain a~~  
39 ~~written explanation of the election procedure for voter-nominated~~  
40 ~~offices as specified in subdivision (b) of Section 9083.5.~~

1 ~~Immediately after the explanation shall be printed the following:~~  
2 ~~“If one candidate receives more than 50% of the votes cast at the~~  
3 ~~special primary election, he or she will be elected to fill the vacancy~~  
4 ~~and no special general election will be held.”~~  
5 ~~(e) On the ballot for a special election, immediately below the~~  
6 ~~instructions to voters, there shall be a box not less than one-half~~  
7 ~~inch high enclosed by a heavy-ruled line the same as the borderline.~~  
8 ~~This box shall be as long as there are columns for the ballot and~~  
9 ~~shall be set directly above these columns. Within the box shall be~~  
10 ~~printed the words “Voter-Nominated Office.” Immediately below~~  
11 ~~that phrase within the same box shall be printed the following:~~  
12 ~~“All voters, regardless of the party preference they disclosed~~  
13 ~~upon registration, or refusal to disclose a party preference, may~~  
14 ~~vote for any candidate for a voter-nominated office. The party~~  
15 ~~preference, if any, designated by a candidate is selected by the~~  
16 ~~candidate and is shown for the information of the voters only. It~~  
17 ~~does not imply that the candidate is nominated or endorsed by the~~  
18 ~~party or that the party approves of the candidate.”~~

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