

AMENDED IN ASSEMBLY MARCH 18, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 254**

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**Introduced by Assembly Member ~~Members~~ Roger Hernández and Calderon**

February 9, 2015

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An act to amend Sections 1000, 1003, 1301, and 13112 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 254, as amended, Roger Hernández. Election dates.

Existing law establishes election dates in each year, which are the second Tuesday of April in each even-numbered year, the first Tuesday after the first Monday in March of each odd-numbered year, the first Tuesday after the first Monday in June in each year, and the first Tuesday after the first Monday in November of each year. Existing law requires all state, county, municipal, district, and school district elections to be held on an established election date, except for a special election called by the Governor, an election held in a chartered city or chartered county, certain school district elections, a local ballot measure or local recall election, and an all-mailed ballot election.

This bill would eliminate the established election dates in March and April. *The bill would, except for certain special elections, eliminate the exceptions for elections held in a chartered city or chartered county and school district elections consolidated with chartered city elections, thereby requiring these elections to be held on an established election date. The bill would declare that increasing voter turnout at local elections and promoting the fundamental right to vote are matters of statewide concern.*

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

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

1     *SECTION 1. The Legislature finds and declares that*  
 2     *significantly increasing voter turnout at local elections and*  
 3     *promoting the fundamental right to vote are matters of statewide*  
 4     *concern. Therefore, this act applies to every political subdivision*  
 5     *in this state, including, but not limited to, charter counties, charter*  
 6     *cities, and charter cities and counties.*

7     ~~SECTION 1.~~

8     *SEC. 2. It is the intent of the Legislature that the statutory*  
 9     *changes made by this act do ~~all~~ both of the following:*

- 10     (i) Encourage increased voter participation.
- 11     (ii) Not alter the date of a runoff election provided for in the
- 12     principal act of a district.
- 13     ~~(e) Not affect the existing authority of a local jurisdiction to~~  
 14     ~~hold an election on a non-regularly established election date.~~

15     ~~SEC. 2.~~

16     *SEC. 3. Section 1000 of the Elections Code is amended to read:*  
 17     1000. The established election dates in each year are as follows:

- 18     (a) The first Tuesday after the first Monday in June ~~in~~ of each
- 19     year.
- 20     (b) The first Tuesday after the first Monday in November of
- 21     each year.

22     *SEC. 4. Section 1003 of the Elections Code is amended to read:*  
 23     1003. This chapter ~~shall~~ *does* not apply to the following:

- 24     (a) ~~Any~~ A special election called by the Governor.
- 25     ~~(b) Elections held in chartered cities or chartered counties in~~  
 26     ~~which the charter provisions are inconsistent with this chapter.~~
- 27     (b) A special election called by a local governmental entity
- 28     including, but not limited to, a chartered city, chartered county,
- 29     or school district.

30     (c) ~~School~~ A school governing board ~~elections consolidated~~  
 31     ~~pursuant to Section 1302.2 or~~ election initiated by petition pursuant  
 32     to Section 5091 of the Education Code.

33     ~~(d) Elections of any kind required or permitted to be held by a~~  
 34     ~~school district located in a chartered city or county when the~~  
 35     ~~election is consolidated with a regular city or county election held~~

1 in a jurisdiction that includes 95 percent or more of the school  
2 district's population:

3 (e)

4 (d) ~~County, A county, municipal, district, and or school district~~  
5 initiative, referendum, or recall elections: *election.*

6 (f)

7 (e) ~~Any~~ An election conducted solely by mailed ballot pursuant  
8 to Division 4 (commencing with Section 4000).

9 (g)

10 (f) Elections held pursuant to Article 1 (commencing with  
11 Section 15100) of Chapter 1, or pursuant to Article 4 (commencing  
12 with Section 15340) of Chapter 2 of, Part 10 of *Division 1 of Title*  
13 *I* of the Education Code.

14 ~~SEC. 3.~~

15 *SEC. 5.* Section 1301 of the Elections Code is amended to read:

16 1301. (a) Except as required by Section 57379 of the  
17 Government Code, and except as provided in subdivision (b), a  
18 general municipal election shall be held on an established election  
19 date pursuant to Section 1000.

20 (b) (1) A city council may enact an ordinance, pursuant to  
21 Division 10 (commencing with Section 10000), requiring its  
22 general municipal election to be held on the same day as the  
23 statewide direct primary election, the day of the statewide general  
24 election, or on the day of school district elections as set forth in  
25 Section 1302. An ordinance adopted pursuant to this subdivision  
26 shall become operative upon approval by the board of supervisors.

27 (2) In the event of consolidation, the general municipal election  
28 shall be conducted in accordance with all applicable procedural  
29 requirements of this code pertaining to that primary, general, or  
30 school district election, and shall thereafter occur in consolidation  
31 with that election.

32 (c) If a city adopts an ordinance described in subdivision (b),  
33 the municipal election following the adoption of the ordinance and  
34 each municipal election thereafter shall be conducted on the date  
35 specified by the city council, in accordance with subdivision (b),  
36 unless the ordinance in question is later repealed by the city  
37 council.

38 (d) If the date of a general municipal election is changed  
39 pursuant to subdivision (b), at least one election shall be held before

1 the ordinance, as approved by the board of supervisors, may be  
2 subsequently repealed or amended.

3 ~~SEC. 4.~~

4 *SEC. 6.* Section 13112 of the Elections Code is amended to  
5 read:

6 13112. The Secretary of State shall conduct a drawing of the  
7 letters of the alphabet, the result of which shall be known as a  
8 randomized alphabet. The procedure shall be as follows:

9 (a) Each letter of the alphabet shall be written on a separate slip  
10 of paper, each of which shall be folded and inserted into a capsule.  
11 Each capsule shall be opaque and of uniform weight, color, size,  
12 shape, and texture. The capsules shall be placed in a container,  
13 which shall be shaken vigorously in order to mix the capsules  
14 thoroughly. The container then shall be opened and the capsules  
15 removed at random one at a time. As each capsule is removed, it  
16 shall be opened and the letter on the slip of paper read aloud and  
17 written down. The resulting random order of letters constitutes the  
18 randomized alphabet, which is to be used in the same manner as  
19 the conventional alphabet in determining the order of all candidates  
20 in all elections. For example, if two candidates with the surnames  
21 Campbell and Carlson are running for the same office, their order  
22 on the ballot will depend on the order in which the letters M and  
23 R were drawn in the randomized alphabet drawing.

24 (b) (1) There shall be four drawings, two in each even-numbered  
25 year and two in each odd-numbered year. Each drawing shall be  
26 held at 11 a.m. on the date specified in this subdivision. The results  
27 of each drawing shall be mailed immediately to each county  
28 elections official responsible for conducting an election to which  
29 the drawing applies, who shall use it in determining the order on  
30 the ballot of the names of the candidates for office.

31 (A) The first drawing under this subdivision shall take place on  
32 the 82nd day before the direct primary of an even-numbered year,  
33 and shall apply to all candidates on the ballot in that election.

34 (B) (i) The second drawing under this subdivision shall take  
35 place on the 82nd day before the November general election of an  
36 even-numbered year, and shall apply to all candidates on the ballot  
37 in the November general election.

38 (ii) In the case of the primary election and the November general  
39 election, the Secretary of State shall certify and transmit to each  
40 county elections official the order in which the names of federal

1 and state candidates, with the exception of candidates for State  
2 Senate and Assembly, shall appear on the ballot. The elections  
3 official shall determine the order on the ballot of all other  
4 candidates using the appropriate randomized alphabet for that  
5 purpose.

6 (C) The third drawing under this subdivision shall take place  
7 on the 82nd day before the first Tuesday after the first Monday in  
8 June of each odd-numbered year, and shall apply to all candidates  
9 on the ballot in the elections held on that date.

10 (D) The fourth drawing under this subdivision shall take place  
11 on the 82nd day before the first Tuesday after the first Monday in  
12 November of the odd-numbered year, and shall apply to all  
13 candidates on the ballot in the elections held on that date.

14 (2) If there is to be an election of candidates to a special district,  
15 school district, charter city, or other local government body at the  
16 same time as one of the four major election dates specified in  
17 subparagraphs (A) to (D), inclusive, of paragraph (1) and the last  
18 possible day to file nomination papers for the local election would  
19 occur after the date of the drawing for the major election date, the  
20 procedure set forth in Section 13113 shall apply.

21 (c) Each randomized alphabet drawing shall be open to the  
22 public. At least 10 days before a drawing, the Secretary of State  
23 shall notify the news media and other interested parties of the date,  
24 time, and place of the drawing. The president of each statewide  
25 association of local officials with responsibilities for conducting  
26 elections shall be invited by the Secretary of State to attend each  
27 drawing or send a representative. The state chairman of each  
28 qualified political party shall be invited to attend or send a  
29 representative in the case of drawings held to determine the order  
30 of candidates on the primary election ballot, the November general  
31 election ballot, or a special election ballot as provided for in  
32 subdivision (d).

33 (d) In the case of a special election for State Assembly, State  
34 Senate, or Representative in Congress, on the first weekday after  
35 the close of filing of nomination papers for the office, the Secretary  
36 of State shall conduct a public drawing to produce a randomized  
37 alphabet in the same manner as provided for in subdivisions (a)  
38 and (c). The resulting randomized alphabet shall be used for  
39 determining the order on the ballot of the candidates in both the  
40 primary election for the special election and in the special election.

1     *SEC. 7. This act shall not be construed to shorten the term of*  
2 *office of any officeholder in office on the effective date of this act.*  
3 *For each office for which this act causes the election to be held at*  
4 *a later date than would have been the case in the absence of this*  
5 *act, the incumbent shall hold office until a successor qualifies for*  
6 *the office, but in no event shall the term of an incumbent be*  
7 *extended by more than four years.*

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