

AMENDED IN ASSEMBLY JUNE 1, 2015

AMENDED IN ASSEMBLY APRIL 7, 2015

AMENDED IN ASSEMBLY MARCH 18, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 254

Introduced by Assembly Members Roger Hernández and Calderon

February 9, 2015

An act to amend, repeal, and add 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, commencing January 1, 2020, eliminate the established election dates in March and April. ~~The bill would, commencing January 1, 2020, 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 ~~SEC. 2.~~

8 *SECTION 1.* It is the intent of the Legislature that the statutory
9 changes made by this act do both of the following:

- 10 (a) Encourage increased voter participation.
- 11 (b) Not alter the date of a runoff election provided for in the
12 principal act of a district.

13 ~~SEC. 3.~~

14 *SEC. 2.* Section 1000 of the Elections Code is amended to read:
15 1000. (a) The established election dates in each year are as
16 follows:

- 17 (1) The second Tuesday of April in each even-numbered year.
- 18 (2) The first Tuesday after the first Monday in March of each
19 odd-numbered year.
- 20 (3) The first Tuesday after the first Monday in June in each
21 year.
- 22 (4) The first Tuesday after the first Monday in November of
23 each year.

24 (b) This section shall remain in effect only until January 1, 2020,
25 and as of that date is repealed, unless a later enacted statute, that
26 is enacted before January 1, 2020, deletes or extends that date.

27 ~~SEC. 4.~~

28 *SEC. 3.* Section 1000 is added to the Elections Code, to read:
29 1000. (a) The established election dates in each year are as
30 follows:

- 31 (1) The first Tuesday after the first Monday in June.
- 32 (2) The first Tuesday after the first Monday in November.

1 (b) This section shall become operative on January 1, 2020.

2 ~~SEC. 5. Section 1003 of the Elections Code is amended to read:~~

3 ~~1003. (a) This chapter does not apply to the following:~~

4 ~~(1) A special election called by the Governor.~~

5 ~~(2) Elections held in chartered cities or chartered counties in~~
6 ~~which the charter provisions are inconsistent with this chapter.~~

7 ~~(3) A school governing board election consolidated pursuant to~~
8 ~~Section 1302.2 or initiated by petition pursuant to Section 5091~~
9 ~~of the Education Code.~~

10 ~~(4) Elections of any kind required or permitted to be held by a~~
11 ~~school district located in a chartered city or county when the~~
12 ~~election is consolidated with a regular city or county election held~~
13 ~~in a jurisdiction that includes 95 percent or more of the school~~
14 ~~district's population.~~

15 ~~(5) A county, municipal, district, or school district initiative,~~
16 ~~referendum, or recall election.~~

17 ~~(6) An election conducted solely by mailed ballot pursuant to~~
18 ~~Division 4 (commencing with Section 4000).~~

19 ~~(7) Elections held pursuant to Article 1 (commencing with~~
20 ~~Section 15100) of Chapter 1, or pursuant to Article 4 (commencing~~
21 ~~with Section 15340) of Chapter 2 of, Part 10 of Division 1 of Title~~
22 ~~1 of the Education Code.~~

23 ~~(b) This section shall remain in effect only until January 1, 2020,~~
24 ~~and as of that date is repealed, unless a later enacted statute, that~~
25 ~~is enacted before January 1, 2020, deletes or extends that date.~~

26 ~~SEC. 6. Section 1003 is added to the Elections Code, to read:~~

27 ~~1003. (a) This chapter does not apply to the following:~~

28 ~~(1) A special election called by the Governor.~~

29 ~~(2) A special election called by a local governmental entity~~
30 ~~including, but not limited to, a chartered city, chartered county, or~~
31 ~~school district.~~

32 ~~(3) A school governing board election initiated by petition~~
33 ~~pursuant to Section 5091 of the Education Code.~~

34 ~~(4) A county, municipal, district, or school district initiative,~~
35 ~~referendum, or recall election.~~

36 ~~(5) An election conducted solely by mailed ballot pursuant to~~
37 ~~Division 4 (commencing with Section 4000).~~

38 ~~(6) Elections held pursuant to Article 1 (commencing with~~
39 ~~Section 15100) of Chapter 1, or pursuant to Article 4 (commencing~~

1 with Section 15340) of Chapter 2 of, Part 10 of Division 1 of Title
2 1 of the Education Code.

3 ~~(b) This section shall become operative on January 1, 2020.~~

4 ~~SEC. 7.~~

5 *SEC. 4.* Section 1301 of the Elections Code is amended to read:

6 1301. (a) Except as required by Section 57379 of the
7 Government Code, and except as provided in subdivision (b), a
8 general municipal election shall be held on an established election
9 date pursuant to Section 1000.

10 (b) (1) Notwithstanding subdivision (a), a city council may
11 enact an ordinance, pursuant to Division 10 (commencing with
12 Section 10000), requiring its general municipal election to be held
13 ~~on~~ the same day as the statewide direct primary election, the day
14 of the statewide general election, ~~on~~ the day of school district
15 elections as set forth in Section 1302, the first Tuesday after the
16 first Monday of March in each odd-numbered year, or the second
17 Tuesday of April in each year. An ordinance adopted pursuant to
18 this subdivision shall become operative upon approval by the board
19 of supervisors.

20 (2) In the event of consolidation, the general municipal election
21 shall be conducted in accordance with all applicable procedural
22 requirements of this code pertaining to that primary, general, or
23 school district election, and shall thereafter occur in consolidation
24 with that election.

25 (c) If a city adopts an ordinance described in subdivision (b),
26 the municipal election following the adoption of the ordinance and
27 each municipal election thereafter shall be conducted on the date
28 specified by the city council, in accordance with subdivision (b),
29 unless the ordinance in question is later repealed by the city
30 council.

31 (d) If the date of a general municipal election is changed
32 pursuant to subdivision (b), at least one election shall be held before
33 the ordinance, as approved by the board of supervisors, may be
34 subsequently repealed or amended.

35 (e) This section shall remain in effect only until January 1, 2020,
36 and as of that date is repealed, unless a later enacted statute, that
37 is enacted before January 1, 2020, deletes or extends that date.

38 ~~SEC. 8.~~

39 *SEC. 5.* Section 1301 is added to the Elections Code, to read:

1 1301. (a) Except as required by Section 57379 of the
2 Government Code, and except as provided in subdivision (b), a
3 general municipal election shall be held on an established election
4 date pursuant to Section 1000.

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

12 (2) In the event of consolidation, the general municipal election
13 shall be conducted in accordance with all applicable procedural
14 requirements of this code pertaining to that primary, general, or
15 school district election, and shall thereafter occur in consolidation
16 with that election.

17 (c) If a city adopts an ordinance described in subdivision (b),
18 the municipal election following the adoption of the ordinance and
19 each municipal election thereafter shall be conducted on the date
20 specified by the city council, in accordance with subdivision (b),
21 unless the ordinance in question is later repealed by the city
22 council.

23 (d) If the date of a general municipal election is changed
24 pursuant to subdivision (b), at least one election shall be held before
25 the ordinance, as approved by the board of supervisors, may be
26 subsequently repealed or amended.

27 (e) This section shall become operative on January 1, 2020.

28 ~~SEC. 9.~~

29 *SEC. 6.* Section 13112 of the Elections Code is amended to
30 read:

31 13112. The Secretary of State shall conduct a drawing of the
32 letters of the alphabet, the result of which shall be known as a
33 randomized alphabet. The procedure shall be as follows:

34 (a) Each letter of the alphabet shall be written on a separate slip
35 of paper, each of which shall be folded and inserted into a capsule.
36 Each capsule shall be opaque and of uniform weight, color, size,
37 shape, and texture. The capsules shall be placed in a container,
38 which shall be shaken vigorously in order to mix the capsules
39 thoroughly. The container then shall be opened and the capsules
40 removed at random one at a time. As each capsule is removed, it

1 shall be opened and the letter on the slip of paper read aloud and
2 written down. The resulting random order of letters constitutes the
3 randomized alphabet, which is to be used in the same manner as
4 the conventional alphabet in determining the order of all candidates
5 in all elections. For example, if two candidates with the surnames
6 Campbell and Carlson are running for the same office, their order
7 on the ballot will depend on the order in which the letters M and
8 R were drawn in the randomized alphabet drawing.

9 (b) (1) There shall be six drawings, three in each even-numbered
10 year and three in each odd-numbered year. Each drawing shall be
11 held at 11 a.m. on the date specified in this subdivision. The results
12 of each drawing shall be mailed immediately to each county
13 elections official responsible for conducting an election to which
14 the drawing applies, who shall use it in determining the order on
15 the ballot of the names of the candidates for office.

16 (A) The first drawing under this subdivision shall take place on
17 the 82nd day before the April general law city elections of an
18 even-numbered year, and shall apply to those elections and any
19 other elections held at the same time.

20 (B) The second drawing under this subdivision shall take place
21 on the 82nd day before the direct primary of an even-numbered
22 year, and shall apply to all candidates on the ballot in that election.

23 (C) (i) The third drawing under this subdivision shall take place
24 on the 82nd day before the November general election of an
25 even-numbered year, and shall apply to all candidates on the ballot
26 in the November general election.

27 (ii) In the case of the primary election and the November general
28 election, the Secretary of State shall certify and transmit to each
29 county elections official the order in which the names of federal
30 and state candidates, with the exception of candidates for State
31 Senate and Assembly, shall appear on the ballot. The elections
32 official shall determine the order on the ballot of all other
33 candidates using the appropriate randomized alphabet for that
34 purpose.

35 (D) The fourth drawing under this subdivision shall take place
36 on the 82nd day before the March general law city elections of
37 each odd-numbered year, and shall apply to those elections and
38 any other elections held at the same time.

39 (E) The fifth drawing under this subdivision shall take place on
40 the 82nd day before the first Tuesday after the first Monday in

1 June of each odd-numbered year, and shall apply to all candidates
2 on the ballot in the elections held on that date.

3 (F) The sixth drawing under this subdivision shall take place
4 on the 82nd day before the first Tuesday after the first Monday in
5 November of the odd-numbered year, and shall apply to all
6 candidates on the ballot in the elections held on that date.

7 (2) If there ~~is to~~ will be an election of candidates to a special
8 district, school district, charter city, or other local government
9 body at the same time as one of the five major election dates
10 specified in subparagraphs (A) to (F), inclusive, *of paragraph (1)*
11 and the last possible day to file nomination papers for the local
12 election would occur after the date of the drawing for the major
13 election date, the procedure set forth in Section 13113 shall apply.

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

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

34 (e) This section shall remain in effect only until January 1, 2020,
35 and as of that date is repealed, unless a later enacted statute, that
36 is enacted before January 1, 2020, deletes or extends that date.

37 ~~SEC. 10.~~

38 SEC. 7. Section 13112 is added to the Elections Code, to read:

1 13112. The Secretary of State shall conduct a drawing of the
2 letters of the alphabet, the result of which shall be known as a
3 randomized alphabet. The procedure shall be as follows:

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

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

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

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

34 (ii) In the case of the primary election and the November general
35 election, the Secretary of State shall certify and transmit to each
36 county elections official the order in which the names of federal
37 and state candidates, with the exception of candidates for State
38 Senate and Assembly, shall appear on the ballot. The elections
39 official shall determine the order on the ballot of all other

1 candidates using the appropriate randomized alphabet for that
2 purpose.

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

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

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

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

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

38 (e) This section shall become operative on January 1, 2020.

1 ~~SEC. 11.~~

2 *SEC. 8.* This act shall not be construed to shorten the term of
3 office of any officeholder in office on January 1, 2020. For each
4 office for which this act causes the election to be held at a later
5 date than would have been the case in the absence of this act, the
6 incumbent shall hold office until a successor qualifies for the office,
7 but in no event shall the term of an incumbent be extended by more
8 than four years.

O