

AMENDED IN ASSEMBLY MARCH 19, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 547

Introduced by Assembly Member Gonzalez

February 23, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 547, as amended, Gonzalez. Elections: special elections: ~~vacancies~~: all-mailed ballot elections.

Existing law authorizes, until January 1, 2020, San Diego County to conduct, as a pilot program, an all-mailed ballot special election or special consolidated election to fill a congressional or legislative vacancy under specified conditions. If such an election is conducted, existing law requires San Diego County to report certain information to the Legislature and the Secretary of State regarding the success of the election.

This bill would repeal the condition that the congressional or legislative district lie wholly within San Diego County. The bill would also require certain voter education workshops to be conducted in-person.

Existing law authorizes cities with a population of less than 100,000 persons, school districts, and special districts to conduct an all-mailed ballot special election to fill a vacancy on the legislative or governing body of those entities under specified conditions.

This bill would authorize all cities, regardless of population size, counties, and cities and counties, to also conduct an all-mailed ballot special election to fill a vacancy on the legislative or governing body

of those entities under the same conditions. The bill would authorize all-mailed ballot special elections to be held for county initiatives, city initiatives, and district initiatives conducted pursuant to specified provisions. The bill would make all of these types of special elections subject to the same conditions that apply to the San Diego County pilot program, as specified, except that the entity conducting the special election would not be required to report certain information to the Legislature and the Secretary of State regarding the success of the election.

~~Existing law provides for the calling of a special election to fill a congressional or legislative vacancy. Existing law requires that the special election occur within a specified number of days, not to exceed 180 days, following the issuance of a proclamation by the Governor.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

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 of the Elections Code is amended
- 2 to read:
- 3 4000.5. (a) Notwithstanding Section 4000 or any other law,
- 4 as a pilot program, an all-mailed ballot special election or special
- 5 consolidated election in San Diego County may be conducted to
- 6 fill a vacancy in a congressional or legislative office if all of the
- 7 following apply:
- 8 ~~(1) The congressional or legislative district lies wholly within~~
- 9 ~~San Diego County.~~
- 10 ~~(2)~~
- 11 (1) The Board of Supervisors of San Diego County, by
- 12 resolution, authorizes the use of mailed ballots for the election.
- 13 ~~(3)~~
- 14 (2) The election does not occur on the same date as a statewide
- 15 direct primary election, statewide general election, or any other
- 16 election conducted in an overlapping jurisdiction that is not
- 17 consolidated and conducted wholly by mail.
- 18 ~~(4)~~
- 19 (3) (A) If the boundaries of the congressional or legislative
- 20 district overlap with the boundaries of a city, at least one ballot

1 dropoff location is provided per city and is open during business
2 hours to receive voted ballots beginning not less than seven days
3 before the date of the election.

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

8 (C) A ballot dropoff location provided for under this section
9 shall consist of a locked ballot box located in a secure public
10 building that meets the accessibility requirements for a polling
11 place.

12 ~~(5)~~

13 (4) On at least one Saturday and Sunday on or after the date the
14 county elections official first delivers ballots to voters, the elections
15 official allows any voter to vote the ballot at a satellite location
16 within the congressional or legislative district pursuant to Section
17 3018. The elections official shall determine the hours of operation
18 for each Saturday and Sunday, provided that the satellite location
19 ~~shall be~~ *is* open to voters for a minimum of six hours on each
20 designated Saturday and Sunday.

21 ~~(6)~~

22 (5) (A) At least one polling place is provided per city or the
23 polling places are fixed in a manner so that there is one polling
24 place for every 10,000 registered voters within the congressional
25 or legislative district, as determined on the 88th day ~~prior to~~ *before*
26 the day of the election, whichever results in more polling places.
27 A polling place shall allow a voter to request and vote a ballot
28 between 7 a.m. and 8 p.m. on the day of the election.

29 (B) The polling places provided under this section shall be
30 established in accordance with the accessibility requirements
31 described in Article 5 (commencing with Section 12280) of Chapter
32 3 of Division 12, the federal Americans with Disabilities Act of
33 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Help America
34 Vote Act of 2002 ~~(42 U.S.C. Sec. 15301~~ (52 U.S.C. Sec. 20901 et
35 seq.), and the federal Voting Rights Act of 1965 ~~(42 U.S.C. Sec.~~
36 ~~1971~~ (52 U.S.C. Sec. 10101 et seq.), and shall, to the extent
37 possible, ensure that access is evenly distributed throughout the
38 congressional or legislative district.

39 (C) The polling places provided under this section shall be
40 established at accessible locations and shall be equipped with

1 voting units or systems that are accessible to individuals with
2 disabilities and that provide the same opportunity for access and
3 participation as is provided to voters who are not disabled,
4 including the ability to vote privately and independently in
5 accordance with Sections 12280 and 19240.

6 (D) If a polling place consolidates one or more precincts for
7 which the county elections official is required to recruit precinct
8 board members who are fluent in a language in addition to English
9 pursuant to ~~subdivision (e) of Section 12303 or the federal Voting~~
10 ~~Rights Act of 1965 (42 U.S.C. Sec. 1971 (52 U.S.C. Sec. 10101~~
11 ~~et seq.)~~, the elections official shall ~~make reasonable efforts to~~
12 ensure that the polling place is staffed by precinct board members
13 who speak those languages.

14 (E) *If a polling place consolidates one or more precincts for*
15 *which the county elections official is required to recruit precinct*
16 *board members who are fluent in a language in addition to English*
17 *pursuant to subdivision (c) of Section 12303, the elections official*
18 *shall make reasonable efforts to ensure that the polling place is*
19 *staffed by precinct board members who speak those languages.*

20 (7)

21 (6) (A) The county elections official delivers to each voter all
22 supplies necessary for the use and return of the mail ballot,
23 including an envelope for the return of the voted mail ballot with
24 postage prepaid.

25 (B) The county elections official delivers to each voter, with
26 either the sample ballot sent pursuant to Section 13303 or with the
27 voter's ballot, all of the following:

28 (i) A notice, translated in all languages required under
29 subdivision (c) of Section 14201 and Section 203 of the federal
30 Voting Rights Act of 1965 ~~(42 U.S.C. Sec. 1971 (52 U.S.C. Sec.~~
31 ~~10101 et seq.)~~, that informs voters of all of the following:

32 (I) An all-mailed ballot election is being conducted and each
33 eligible voter will receive a ballot by mail.

34 (II) The voter may cast a ballot in person at a satellite location
35 provided for under paragraph ~~(5) (4)~~ or at a polling place on
36 election day.

37 (III) The voter may request the county elections official to send
38 a vote by mail ballot in a language other than English pursuant to
39 Section 203 of the federal Voting Rights Act of 1965 ~~(42 U.S.C.~~

1 ~~See. 1971~~ (52 U.S.C. Sec. 10101 et seq.) or a facsimile copy of
2 the ballot printed in other languages pursuant to Section 14201.

3 (ii) A list of the ballot dropoff locations, satellite locations, and
4 polling places established pursuant to this section. The list shall
5 also be posted on the Internet Web site of the county elections
6 official.

7 (iii) A postage-paid postcard that the voter may return to the
8 county elections official for the purpose of requesting a vote by
9 mail ballot in a language other than English.

10 ~~(8)~~

11 (7) (A) The county elections official submits to the Secretary
12 of State a voter education and outreach plan to be implemented
13 by the county for any election conducted pursuant to this section.
14 The voter education and outreach plan shall include, but shall not
15 be limited to, all of the following:

16 (i) One education and outreach meeting that shall include
17 representatives, advocates, and other stakeholders representing
18 each community for which the county is required to provide voting
19 materials and assistance in other languages under subdivision (c)
20 of Section 14201 and the federal Voting Rights Act of 1965—~~(42~~
21 ~~U.S.C. Sec. 1971~~ (52 U.S.C. Sec. 10101 et seq.).

22 (ii) One education and outreach meeting that shall include
23 representatives from community organizations and individuals
24 that advocate on behalf of, or provide services to, individuals with
25 disabilities.

26 (iii) At least one *in-person* bilingual voter education—~~program~~
27 *workshop* for each language in which the county is required to
28 provide voting materials and assistance under subdivision (c) of
29 Section 14201 and the federal Voting Rights Act of 1965—~~(42~~
30 ~~U.S.C. Sec. 1971~~ (52 U.S.C. Sec. 10101 et seq.).

31 (iv) At least one *in-person* voter education—~~program~~ *workshop*
32 to increase accessibility for participation of eligible voters with
33 disabilities.

34 (v) A toll-free voter assistance hotline maintained by the county
35 elections official that shall be operational no later than the date
36 that vote by mail ballots are mailed to voters until 5 p.m. on the
37 day after the special election. The toll-free voter assistance hotline
38 shall provide assistance to voters in all languages in which the
39 county is required to provide voting materials and assistance under

1 subdivision (c) of Section 14201 and the federal Voting Rights
2 Act of 1965 (~~42 U.S.C. Sec. 1971~~ (52 U.S.C. Sec. 10101 et seq.)).

3 (vi) At least one public service announcement in the media,
4 including newspapers, radio, and television, that serve
5 English-speaking citizens for purposes of informing voters of the
6 upcoming election and promoting the toll-free voter assistance
7 hotline.

8 (vii) At least one public service announcement in the media,
9 including newspapers, radio, and television, that serve
10 non-English-speaking citizens for each language in which the
11 county is required to provide voting materials and assistance under
12 subdivision (c) of Section 14201 and the federal Voting Rights
13 Act of 1965 (~~42 U.S.C. Sec. 1971~~ (52 U.S.C. Sec. 10101 et seq.))
14 for purposes of informing voters of the upcoming election and
15 promoting the toll-free voter assistance hotline.

16 (viii) A voter education social media strategy that is developed
17 in partnership with community organizations and individuals that
18 advocate on behalf of, or provide services to, non-English-speaking
19 individuals and individuals with disabilities.

20 (B) The voter education and outreach plan shall be posted on
21 the Internet Web site of the Secretary of State and on the Internet
22 Web site of the county elections official.

23 (b) Except as otherwise provided in this section, the election
24 day procedures shall be conducted in accordance with Division
25 14 (commencing with Section 14000).

26 (c) The county elections official may provide, at his or her
27 discretion, additional ballot dropoff locations and polling places
28 for purposes of this section.

29 (d) The return of voted mail ballots is subject to Sections 3017
30 and 3020.

31 (e) (1) If the county conducts a special election pursuant to this
32 section, it may process vote by mail ballot return envelopes
33 beginning 29 days before the election. Processing vote by mail
34 ballot return envelopes may include verifying the voter's signature
35 on the vote by mail ballot return envelope and updating voter
36 history records.

37 (2) If the county conducts a special election pursuant to this
38 section, it may start to process vote by mail ballots on the 10th
39 business day before the election. Processing vote by mail ballots
40 includes opening vote by mail ballot return envelopes, removing

1 ballots, duplicating any damaged ballots, and preparing the ballots
2 to be machine read, or machine reading them, but under no
3 circumstances shall a vote count be accessed or released until 8
4 p.m. on the day of the election.

5 (f) Results of any vote by mail ballot tabulation or count shall
6 not be released before the close of the polls on the day of the
7 election.

8 (g) For the sole purpose of reporting the results of an election
9 conducted pursuant to this section, upon completion of the ballot
10 count, the county elections official shall divide the jurisdiction
11 into precincts pursuant to Article 2 (commencing with Section
12 12220) of Chapter 3 of Division 12 and shall prepare a statement
13 of the results of the election in accordance with Sections 15373
14 and 15374.

15 (h) The county elections official shall compile an index, list, or
16 file of all persons who voted in an election conducted pursuant to
17 this section. If the elections official uses data-processing equipment
18 to compile the index, list, or file, he or she shall retain an accurate
19 copy of that index, list, or file in electronic format for a period of
20 10 years.

21 (i) (1) If an election is conducted pursuant to this section, San
22 Diego County shall report to the Legislature and to the Secretary
23 of State regarding the success of the election, including, but not
24 limited to, ~~any statistics on the cost to conduct the election; the~~
25 ~~turnout of different populations, including, but not limited to and~~
26 ~~to the extent possible, the population categories of race, ethnicity,~~
27 ~~language preference, age, gender, disability, permanent vote by~~
28 ~~mail status, and political party affiliation as it relates to the~~
29 ~~languages required under the federal Voting Rights Act of 1965;~~
30 ~~the number of ballots that were not counted and the reasons they~~
31 ~~were rejected; voter fraud; and any other problems that became~~
32 ~~known to the county during the election or canvass. all of the~~
33 ~~following:~~

34 (A) *Any statistics on the cost to conduct the election.*

35 (B) *The turnout of different populations, including, but not*
36 *limited to and to the extent possible, the population categories of*
37 *race, ethnicity, language preference, age, gender, disability,*
38 *permanent vote by mail status, and political party preference.*

39 (C) *The number of ballots that were not counted and the reasons*
40 *they were rejected.*

1 (D) Voter fraud.
 2 (E) Any other problems that become known to the county during
 3 the election or canvass.

4 (2) Whenever possible, using the criteria set forth in paragraph
 5 (1), the report shall compare the election conducted pursuant to
 6 this section to similar elections not conducted pursuant to this
 7 section in the same jurisdiction or comparable jurisdictions.

8 (3) Within six months after the date of the election or ~~prior to~~
 9 ~~before~~ the date of a subsequent election conducted pursuant to this
 10 section, whichever is sooner, San Diego County shall do all of the
 11 following with respect to the report required by this subdivision:

12 (A) Submit the report to the Legislature in compliance with
 13 Section 9795 of the Government Code.

14 (B) Submit the report to the Secretary of State.

15 (C) Post the report on the Internet Web site of the county
 16 elections official.

17 (j) This section shall remain in effect only until January 1, 2020,
 18 and as of that date is repealed, unless a later enacted statute, that
 19 is enacted before January 1, 2020, deletes or extends that date.

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

21 4004. (a) ~~“Small city” means a city with a population of~~
 22 ~~100,000 or less, as determined by the annual city total population~~
 23 ~~rankings by the Demographic Research Unit of the Department of~~
 24 ~~Finance.~~

25 ~~(b)~~

26 (a) ~~“Eligible entity” means a school district or a city, county,~~
 27 ~~city and county, school district, or special district.~~

28 ~~(c)~~

29 (b) Notwithstanding Sections 1500 and 4000, an election in a
 30 ~~small city or~~ an eligible entity may be conducted wholly as an
 31 ~~all-mail~~ *all-mailed* ballot election, subject to the following
 32 conditions:

33 (1) The legislative body ~~of the small city or the governing body~~
 34 of the eligible entity, by resolution, authorizes the use of mailed
 35 ballots for the election.

36 (2) The election is ~~a special election to fill a vacancy in the~~
 37 ~~legislative body or governing body.~~ *either of the following:*

38 (A) *A special election to fill a vacancy in the legislative body*
 39 *or governing body.*

1 (B) A special election conducted pursuant to Chapter 2
2 (commencing with Section 9100), Chapter 3 (commencing with
3 Section 9200), or Chapter 4 (commencing with Section 9300) of
4 Division 9.

5 (3) The election is not held on the same date as a statewide
6 primary or general election, or any other election conducted in an
7 overlapping jurisdiction that is not consolidated and conducted
8 wholly by mail.

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

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

11 (4) (A) If the boundaries of the jurisdiction of the eligible entity
12 overlap with the boundaries of a city, at least one ballot dropoff
13 location is provided per city and is open during business hours to
14 receive voted ballots beginning not less than seven days before
15 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) A ballot dropoff location provided for under this section
21 shall consist of a locked ballot box located in a secure public
22 building that meets the accessibility requirements for a polling
23 place.

24 (5) On at least one Saturday and Sunday on or after the date
25 the elections official first delivers ballots to voters, the elections
26 official allows any voter to vote the ballot at a satellite location
27 within the jurisdiction of the eligible entity pursuant to Section
28 3018. The elections official shall determine the hours of operation
29 for each Saturday and Sunday, provided that the satellite location
30 is open to voters for a minimum of six hours on each designated
31 Saturday and Sunday.

32 (6) (A) At least one polling place is provided per eligible entity
33 or the polling places are fixed in a manner so that there is one
34 polling place for every 10,000 registered voters within the
35 jurisdiction of the eligible entity, as determined on the 88th day
36 before the day of the election, whichever results in more polling
37 places. A polling place shall allow a voter to request and vote a
38 ballot between 7 a.m. and 8 p.m. on the day of the election.

39 (B) The polling places provided under this section shall be
40 established in accordance with the accessibility requirements

1 *described in Article 5 (commencing with Section 12280) of Chapter*
2 *3 of Division 12, the federal Americans with Disabilities Act of*
3 *1990 (42 U.S.C. Sec. 12101 et seq.), the federal Help America*
4 *Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), and the federal*
5 *Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), and shall,*
6 *to the extent possible, ensure that access is evenly distributed*
7 *throughout the eligible entity.*

8 *(C) The polling places provided under this section shall be*
9 *established at accessible locations and shall be equipped with*
10 *voting units or systems that are accessible to individuals with*
11 *disabilities and that provide the same opportunity for access and*
12 *participation as is provided to voters who are not disabled,*
13 *including the ability to vote privately and independently in*
14 *accordance with Sections 12280 and 19240.*

15 *(D) If a polling place consolidates one or more precincts for*
16 *which the elections official is required to recruit precinct board*
17 *members who are fluent in a language in addition to English*
18 *pursuant to the federal Voting Rights Act of 1965 (52 U.S.C. Sec.*
19 *10101 et seq.), the elections official shall ensure that the polling*
20 *place is staffed by precinct board members who speak those*
21 *languages.*

22 *(E) If a polling place consolidates one or more precincts for*
23 *which the elections official is required to recruit precinct board*
24 *members who are fluent in a language in addition to English*
25 *pursuant to subdivision (c) of Section 12303, the elections official*
26 *shall make reasonable efforts to ensure that the polling place is*
27 *staffed by precinct board members who speak those languages.*

28 *(7) (A) The elections official delivers to each voter all supplies*
29 *necessary for the use and return of the mail ballot, including an*
30 *envelope for the return of the voted mail ballot with postage*
31 *prepaid.*

32 *(B) The elections official delivers to each voter, with either the*
33 *sample ballot sent pursuant to Section 13303 or with the voter's*
34 *ballot, all of the following:*

35 *(i) A notice, translated in all languages required under*
36 *subdivision (c) of Section 14201 and Section 203 of the federal*
37 *Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), that*
38 *informs voters of all of the following:*

39 *(I) An all-mailed ballot election is being conducted and each*
40 *eligible voter will receive a ballot by mail.*

1 ~~(II) The voter may cast a ballot in person at a satellite location~~
2 ~~provided for under paragraph (5) or at a polling place on election~~
3 ~~day.~~

4 ~~(III) The voter may request the elections official to send a vote~~
5 ~~by mail ballot in a language other than English pursuant to Section~~
6 ~~203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101~~
7 ~~et seq.) or a facsimile copy of the ballot printed in other languages~~
8 ~~pursuant to Section 14201.~~

9 ~~(ii) A list of the ballot dropoff locations, satellite locations, and~~
10 ~~polling places established pursuant to this section. The list shall~~
11 ~~also be posted on the Internet Web site of the elections official.~~

12 ~~(iii) A postage-paid postcard that the voter may return to the~~
13 ~~elections official for the purpose of requesting a vote by mail ballot~~
14 ~~in a language other than English.~~

15 ~~(8) (A) The elections official submits to the Secretary of State~~
16 ~~a voter education and outreach plan to be implemented by the~~
17 ~~eligible entity for any election conducted pursuant to this section.~~
18 ~~The voter education and outreach plan shall include, but shall not~~
19 ~~be limited to, all of the following:~~

20 ~~(i) One education and outreach meeting that shall include~~
21 ~~representatives, advocates, and other stakeholders representing~~
22 ~~each community for which the eligible entity is required to provide~~
23 ~~voting materials and assistance in other languages under~~
24 ~~subdivision (c) of Section 14201 and the federal Voting Rights Act~~
25 ~~of 1965 (52 U.S.C. Sec. 10101 et seq.).~~

26 ~~(ii) One education and outreach meeting that shall include~~
27 ~~representatives from community organizations and individuals~~
28 ~~that advocate on behalf of, or provide services to, individuals with~~
29 ~~disabilities.~~

30 ~~(iii) At least one in-person bilingual voter education workshop~~
31 ~~for each language in which the eligible entity is required to provide~~
32 ~~voting materials and assistance under subdivision (c) of Section~~
33 ~~14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec.~~
34 ~~10101 et seq.).~~

35 ~~(iv) At least one in-person voter education workshop to increase~~
36 ~~accessibility for participation of eligible voters with disabilities.~~

37 ~~(v) A toll-free voter assistance hotline maintained by the~~
38 ~~elections official that shall be operational no later than the date~~
39 ~~that vote by mail ballots are mailed to voters until 5 p.m. on the~~
40 ~~day after the special election. The toll-free voter assistance hotline~~

1 shall provide assistance to voters in all languages in which the
2 city or district is required to provide voting materials and
3 assistance under subdivision (c) of Section 14201 and the federal
4 Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

5 (vi) At least one public service announcement in the media,
6 including newspapers, radio, and television, that serve
7 English-speaking citizens for purposes of informing voters of the
8 upcoming election and promoting the toll-free voter assistance
9 hotline.

10 (vii) At least one public service announcement in the media,
11 including newspapers, radio, and television, that serve
12 non-English-speaking citizens for each language in which the city
13 or district is required to provide voting materials and assistance
14 under subdivision (c) of Section 14201 and the federal Voting
15 Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) for purposes of
16 informing voters of the upcoming election and promoting the
17 toll-free voter assistance hotline.

18 (viii) A voter education social media strategy that is developed
19 in partnership with community organizations and individuals that
20 advocate on behalf of, or provide services to, non-English-speaking
21 individuals and individuals with disabilities.

22 (B) The voter education and outreach plan shall be posted on
23 the Internet Web site of the Secretary of State and on the Internet
24 Web site of the elections official.

25 (c) Except as otherwise provided in this section, the election
26 day procedures shall be conducted in accordance with Division
27 14 (commencing with Section 14000).

28 (d) The elections official may provide, at his or her discretion,
29 additional ballot dropoff locations and polling places for purposes
30 of this section.

31 (e) The return of voted mail ballots is subject to Sections 3017
32 and 3020.

33 (f) (1) If the eligible entity conducts a special election pursuant
34 to this section, it may process vote by mail ballot return envelopes
35 beginning 29 days before the election. Processing vote by mail
36 ballot return envelopes may include verifying the voter's signature
37 on the vote by mail ballot return envelope and updating voter
38 history records.

39 (2) If the eligible entity conducts a special election pursuant to
40 this section, it may start to process vote by mail ballots on the 10th

1 *business day before the election. Processing vote by mail ballots*
2 *includes opening vote by mail ballot return envelopes, removing*
3 *ballots, duplicating any damaged ballots, and preparing the ballots*
4 *to be machine read, or machine reading them, but under no*
5 *circumstances shall a vote count be accessed or released until 8*
6 *p.m. on the day of the election.*

7 (g) *Results of a vote by mail ballot tabulation or count shall not*
8 *be released before the close of the polls on the day of the election.*

9 (h) *For the sole purpose of reporting the results of an election*
10 *conducted pursuant to this section, upon completion of the ballot*
11 *count, the elections official shall divide the jurisdiction into*
12 *precincts pursuant to Article 2 (commencing with Section 12220)*
13 *of Chapter 3 of Division 12 and shall prepare a statement of the*
14 *results of the election in accordance with Sections 15373 and*
15 *15374.*

16 (i) *The elections official shall compile an index, list, or file of*
17 *all persons who voted in an election conducted pursuant to this*
18 *section. If the elections official uses data-processing equipment*
19 *to compile the index, list, or file, he or she shall retain an accurate*
20 *copy of that index, list, or file in electronic format for a period of*
21 *10 years.*

22 SECTION 1. ~~Section 10703 of the Elections Code is amended~~
23 ~~to read:~~

24 ~~10703. (a) A special election to fill a vacancy in the office of~~
25 ~~Representative in Congress, State Senator, or Member of the~~
26 ~~Assembly shall be conducted on a Tuesday at least 126 days, but~~
27 ~~not more than 140 days, following the issuance of an election~~
28 ~~proclamation by the Governor pursuant to Section 1773 of the~~
29 ~~Government Code, except that the special election may be~~
30 ~~conducted within 180 days following the Governor's proclamation~~
31 ~~in order that the election or the primary election may be~~
32 ~~consolidated with the next regularly scheduled statewide election~~
33 ~~or local election occurring wholly or partially within the same~~
34 ~~territory in which the vacancy exists, provided that the voters~~
35 ~~eligible to vote in the local election comprise at least 50 percent~~
36 ~~of all the voters eligible to vote on the vacancy.~~

37 ~~(b) Except as provided in Chapter 3 (commencing with Section~~
38 ~~10730), a special election or a primary election may not be~~
39 ~~conducted on the day after a state holiday.~~

1 ~~(e) (1) A special election described in this section may be~~
2 ~~conducted as an all-mailed ballot election pursuant to Section~~
3 ~~4000.5.~~

4 ~~(2) This subdivision shall remain in effect only until January 1,~~
5 ~~2020, and as of that date is repealed, unless a later enacted statute,~~
6 ~~that is enacted before January 1, 2020, deletes or extends that date.~~