

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1504

Introduced by Assembly Member Alejo

February 27, 2015

An act to amend Section ~~10304~~ 4001 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1504, as amended, Alejo. ~~Emergency elections in cities.~~
Elections: all-mailed ballot elections: pilot project.

Until December 31, 2017, existing law, as a pilot program, authorizes elections in San Mateo County and Yolo County, other than statewide primary or general elections, or special elections to fill a vacancy in a state office, the Legislature, or Congress, to be conducted wholly by mail if specified conditions are satisfied. If San Mateo County or Yolo County conducts an all-mailed ballot election, existing law requires the county to report to the Legislature and the Secretary of State, as specified.

This bill would also authorize Monterey County to conduct all-mailed ballot elections pursuant to these provisions. The bill would also make technical, nonsubstantive changes.

~~Existing law requires the Governor to appoint 3 persons to a board of election commissioners for a city upon being satisfied of the truth of the matters set forth in a petition presented to the Governor by the voters of the city that, among other things, the city has failed to elect officers in accordance with its charter and there are no officers to carry on the city government, or the city has failed to call an election of officers. Existing law requires the Governor to issue a commission to~~

~~the commissioners, and provides that issuance of the commission is conclusive evidence of the regularity of all the proceedings to and including the appointment of the commissioners.~~

~~This bill would make a nonsubstantive change to the latter provision.~~

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 4001 of the Elections Code is amended
2 to read:

3 4001. (a) Notwithstanding Section 4000 or any other law, as
4 a pilot program, elections in ~~San Mateo County and Yolo County~~
5 *County, Yolo County, and Monterey County* may be conducted
6 wholly by mail if all of the following conditions are satisfied:

7 (1) The governing body of the city, county, or district, by
8 resolution, authorizes the all-mailed ballot election and notifies
9 the Secretary of State of its intent to conduct an all-mailed ballot
10 election at least 88 days ~~prior to~~ *before* the date of the election.

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

15 (3) The election is not a special election to fill a vacancy in a
16 state office, the Legislature, or Congress.

17 (4) (A) At least one ballot dropoff location is provided per city
18 or the ballot dropoff locations are fixed in a manner so that the
19 number of residents for each ballot dropoff location does not
20 exceed 100,000 on the 88th day ~~prior to~~ *before* the day of election,
21 whichever results in more dropoff locations. A ballot dropoff
22 location shall be open during business hours to receive voted ballots
23 beginning 28 days before the date of the election and until 8 p.m.
24 on the day of the election.

25 (B) At least one polling place is provided per city where voters
26 can request a ballot between 7 a.m. and 8 p.m. on the day of the
27 election if they have not received their ballots in the mail or if they
28 need replacement ballots for any other reason.

29 (C) Upon the request of the city, county, or district, the elections
30 official, at his or her discretion, may provide additional ballot
31 dropoff locations and polling places.

1 (5) The elections official delivers to each voter all supplies
2 necessary for the use and return of the mail ballot, including an
3 envelope for the return of the voted mail ballot with postage
4 prepaid.

5 (6) The elections official delivers to each voter, with either the
6 sample ballot sent pursuant to Section 13303 or with the voter's
7 ballot, a list of the ballot dropoff locations and polling places
8 provided pursuant to paragraph (4), and also posts that list on the
9 Internet Web site of the county elections office.

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

11 (8) (A) The polling places provided under this section are at
12 an accessible location and are equipped with voting units or
13 systems that are accessible to individuals with disabilities and that
14 provide the same opportunity for access and participation, including
15 the ability to vote privately and independently.

16 (B) A ballot dropoff location provided for under this section
17 shall consist of a locked ballot box located in a secure public
18 building that meets the accessibility requirements for a polling
19 place.

20 (9) Elections in the county conducted pursuant to this section
21 may be held on no more than three different dates.

22 (b) (1) If the county conducts an all-mailed ballot election
23 pursuant to this section, on or before December 31, 2017, the
24 county shall report to the Legislature and to the Secretary of State
25 regarding the success of the election, including, but not limited to,
26 any statistics on the cost to conduct the election; the turnout of
27 different populations, including, but not limited to, to the extent
28 possible, the population categories of race, ethnicity, age, gender,
29 disability, permanent vote by mail status, and political party
30 affiliation; the number of ballots ~~that are~~ not counted and the
31 reasons they were rejected; voter fraud; and any other problems
32 that become known to the county during the election or canvass.

33 (2) Whenever possible, using the criteria set forth in paragraph
34 (1), the report of the county shall compare the success of the
35 all-mailed ballot election to similar elections not conducted wholly
36 by mail in the same jurisdiction or comparable jurisdictions.

37 (3) The report of the county shall be submitted to the Legislature
38 pursuant to Section 9795 of the Government Code within six
39 months after the date of the all-mailed ballot election or ~~prior to~~

1 *before* the date of any other all-mailed ballot election subject to
2 this section to be conducted in the county, whichever is sooner.

3 (c) This section shall remain in effect only until January 1, 2018,
4 and as of that date is repealed, unless a later enacted statute, that
5 is enacted before January 1, 2018, deletes or extends that date.

6 SECTION 1. ~~Section 10304 of the Elections Code is amended~~
7 ~~to read:~~

8 ~~10304. The Governor shall issue a commission to the~~
9 ~~commissioners, and the issuance of the commission shall be~~
10 ~~conclusive evidence of the regularity of all the proceedings to and~~
11 ~~including the appointment of the commissioners. Within 10 days~~
12 ~~after their appointment, the commissioners shall take the~~
13 ~~constitutional oath of office before an officer authorized to~~
14 ~~administer oaths. The oath shall be indorsed upon the commission,~~
15 ~~and a copy filed in the office of the Secretary of State. The~~
16 ~~commission shall organize by the election of a president and~~
17 ~~secretary from their own members. The commission shall keep~~
18 ~~minutes of all its proceedings, which minutes shall be signed at~~
19 ~~the close of each meeting by the president and secretary.~~