

ASSEMBLY BILL

No. 2152

Introduced by Assembly Member Gray
(Coauthor: Assembly Member Olsen)
(Coauthors: Senators Cannella and Galgiani)

February 17, 2016

An act to amend, repeal, and add Section 13109 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2152, as introduced, Gray. Elections: ballots: ballot order.

Existing law requires all voting to be by ballot and requires each polling place to provide, at each election at which public officers are to be voted for, but one form of ballot for all candidates for public office, except for partisan primary elections, as specified. Existing law specifies the order of precedence of offices on the ballot and authorizes a county elections official to vary the order for certain offices and measures submitted to the voters, in order to allow for the most efficient use of space on the ballot in counties that use a voting system, as defined. Existing law requires state measures to always precede local measures.

This bill, for the November 8, 2016, statewide general election only, would authorize a county board of supervisors to direct the county elections official to place a local measure related to a local transportation tax above state measures.

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

Vote: $\frac{2}{3}$. 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 13109 of the Elections Code is amended
 2 to read:
 3 13109. The order of precedence of offices on the ballot shall
 4 be as listed below for those offices and measures that apply to the
 5 election for which ~~this~~ *the* ballot is provided. Beginning in the
 6 column to the left:
 7 (a) Under the heading, PRESIDENT AND VICE PRESIDENT:
 8 Nominees of the qualified political parties and independent
 9 nominees for President and Vice President.
 10 (b) Under the heading, PRESIDENT OF THE UNITED
 11 STATES:
 12 (1) Names of the presidential candidates to whom the delegates
 13 are pledged.
 14 (2) Names of the chairpersons of unpledged delegations.
 15 (c) Under the heading, STATE:
 16 (1) Governor.
 17 (2) Lieutenant Governor.
 18 (3) Secretary of State.
 19 (4) Controller.
 20 (5) Treasurer.
 21 (6) Attorney General.
 22 (7) Insurance Commissioner.
 23 (8) Member, State Board of Equalization.
 24 (d) Under the heading, UNITED STATES SENATOR:
 25 Candidates or nominees to the United States Senate.
 26 (e) Under the heading, UNITED STATES REPRESENTATIVE:
 27 Candidates or nominees to the House of Representatives of the
 28 United States.
 29 (f) Under the heading, STATE SENATOR:
 30 Candidates or nominees to the State Senate.
 31 (g) Under the heading, MEMBER OF THE STATE
 32 ASSEMBLY:
 33 Candidates or nominees to the Assembly.
 34 (h) Under the heading, COUNTY COMMITTEE:
 35 Members of the County Central Committee.
 36 (i) Under the heading, JUDICIAL:
 37 (1) Chief Justice of California.
 38 (2) Associate Justice of the Supreme Court.

- 1 (3) Presiding Justice, Court of Appeal.
- 2 (4) Associate Justice, Court of Appeal.
- 3 (5) Judge of the Superior Court.
- 4 (6) Marshal.
- 5 (j) Under the heading, SCHOOL:
- 6 (1) Superintendent of Public Instruction.
- 7 (2) County Superintendent of Schools.
- 8 (3) County Board of Education Members.
- 9 (4) College District Governing Board Members.
- 10 (5) Unified District Governing Board Members.
- 11 (6) High School District Governing Board Members.
- 12 (7) Elementary District Governing Board Members.
- 13 (k) Under the heading, COUNTY:
- 14 (1) County Supervisor.
- 15 (2) Other offices in alphabetical order by the title of the office.
- 16 (l) Under the heading, CITY:
- 17 (1) Mayor.
- 18 (2) Member, City Council.
- 19 (3) Other offices in alphabetical order by the title of the office.
- 20 (m) Under the heading, DISTRICT:
- 21 Directors or trustees for each district in alphabetical order
- 22 according to the name of the district.
- 23 (n) Under the heading, MEASURES SUBMITTED TO THE
- 24 VOTERS and the appropriate heading from subdivisions (a)
- 25 through (m), above, ballot measures in the order, state through
- 26 district shown above, and within each jurisdiction, in the order
- 27 prescribed by the official certifying them for the ballot.
- 28 (o) (1) In order to allow for the most efficient use of space on
- 29 the ballot in counties that use a voting system, as defined in Section
- 30 362, the county elections official may vary the order of
- 31 subdivisions (j), (k), (l), (m), and (n) as well as the order of offices
- 32 within these subdivisions. However, the office of Superintendent
- 33 of Public Instruction shall always precede any school, county, or
- 34 city office, and state measures shall always precede local measures.
- 35 (2) *Notwithstanding paragraph (1), for the November 8, 2016,*
- 36 *statewide general election only, a county board of supervisors may*
- 37 *direct the county elections official to place a local measure related*
- 38 *to a local transportation tax above state measures.*

1 (p) *This section shall remain in effect only until January 1, 2017,*
 2 *and as of that date is repealed, unless a later enacted statute, that*
 3 *is enacted before January 1, 2017, deletes or extends that date.*

4 SEC. 2. Section 13109 is added to the Elections Code, to read:

5 13109. The order of precedence of offices on the ballot shall
 6 be as listed below for those offices and measures that apply to the
 7 election for which the ballot is provided. Beginning in the column
 8 to the left:

9 (a) Under the heading, PRESIDENT AND VICE PRESIDENT:
 10 Nominees of the qualified political parties and independent
 11 nominees for President and Vice President.

12 (b) Under the heading, PRESIDENT OF THE UNITED
 13 STATES:

14 (1) Names of the presidential candidates to whom the delegates
 15 are pledged.

16 (2) Names of the chairpersons of unpledged delegations.

17 (c) Under the heading, STATE:

18 (1) Governor.

19 (2) Lieutenant Governor.

20 (3) Secretary of State.

21 (4) Controller.

22 (5) Treasurer.

23 (6) Attorney General.

24 (7) Insurance Commissioner.

25 (8) Member, State Board of Equalization.

26 (d) Under the heading, UNITED STATES SENATOR:

27 Candidates or nominees to the United States Senate.

28 (e) Under the heading, UNITED STATES REPRESENTATIVE:

29 Candidates or nominees to the House of Representatives of the
 30 United States.

31 (f) Under the heading, STATE SENATOR:

32 Candidates or nominees to the State Senate.

33 (g) Under the heading, MEMBER OF THE STATE
 34 ASSEMBLY:

35 Candidates or nominees to the Assembly.

36 (h) Under the heading, COUNTY COMMITTEE:

37 Members of the County Central Committee.

38 (i) Under the heading, JUDICIAL:

39 (1) Chief Justice of California.

40 (2) Associate Justice of the Supreme Court.

- 1 (3) Presiding Justice, Court of Appeal.
- 2 (4) Associate Justice, Court of Appeal.
- 3 (5) Judge of the Superior Court.
- 4 (6) Marshal.
- 5 (j) Under the heading, SCHOOL:
- 6 (1) Superintendent of Public Instruction.
- 7 (2) County Superintendent of Schools.
- 8 (3) County Board of Education Members.
- 9 (4) College District Governing Board Members.
- 10 (5) Unified District Governing Board Members.
- 11 (6) High School District Governing Board Members.
- 12 (7) Elementary District Governing Board Members.
- 13 (k) Under the heading, COUNTY:
- 14 (1) County Supervisor.
- 15 (2) Other offices in alphabetical order by the title of the office.
- 16 (l) Under the heading, CITY:
- 17 (1) Mayor.
- 18 (2) Member, City Council.
- 19 (3) Other offices in alphabetical order by the title of the office.
- 20 (m) Under the heading, DISTRICT:
- 21 Directors or trustees for each district in alphabetical order
- 22 according to the name of the district.
- 23 (n) Under the heading, MEASURES SUBMITTED TO THE
- 24 VOTERS and the appropriate heading from subdivisions (a)
- 25 through (m), above, ballot measures in the order, state through
- 26 district shown above, and within each jurisdiction, in the order
- 27 prescribed by the official certifying them for the ballot.
- 28 (o) In order to allow for the most efficient use of space on the
- 29 ballot in counties that use a voting system, as defined in Section
- 30 362, the county elections official may vary the order of
- 31 subdivisions (j), (k), (l), (m), and (n) as well as the order of offices
- 32 within these subdivisions. However, the office of Superintendent
- 33 of Public Instruction shall always precede any school, county, or
- 34 city office, and state measures shall always precede local measures.
- 35 (p) This section shall become operative on January 1, 2017.
- 36 SEC. 3. This act is an urgency statute necessary for the
- 37 immediate preservation of the public peace, health, or safety within
- 38 the meaning of Article IV of the Constitution and shall go into
- 39 immediate effect. The facts constituting the necessity are:

1 In order for county boards of supervisors and county elections
2 officials to have sufficient time to implement the provisions of this
3 bill prior to the November 8, 2016, statewide general election, it
4 is necessary that this act take effect immediately.

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