

ASSEMBLY BILL

No. 2824

Introduced by Assembly Member Thurmond

February 19, 2016

An act to amend Section 15372 of, and to add Sections 15151.5 and 19216.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2824, as introduced, Thurmond. Elections: precinct reports.

Existing law requires an elections official to transmit the semifinal official results to the Secretary of State following commencement of the semifinal official canvass. After the official canvass, existing law requires an elections official to prepare a certified statement of the results of the election and submit it to the governing body. The elections official must also post the certified statement of the results on his or her Internet Web site in a downloadable spreadsheet format that may include a comma-separated values file or a tab-separated values file and that is compatible with a spreadsheet software application that is widely used at the time of the posting. Existing law requires the certified statement of the election results to be posted and maintained on the elections official's Internet Web site for a period of at least 10 years following the election.

This bill would require a county with the technical capacity to do so to post the information contained in the statement of the result, as well as other available election data, on its Internet Web site beginning on election night and continuing daily until the election results are certified. This bill would require the county to post this information in downloadable spreadsheet and Election Markup Language (EML) formats, as specified. This bill would also decrease to 22 months the

amount of time the certified statement of election results must be posted and maintained on the elections official’s Internet Web site.

This bill would also require a county elections official to propose a modification of its voting system to the Secretary of State for approval if modification of that system would enable the county to post required information on its Internet Web site immediately following the election, as specified.

By imposing additional obligations on a county elections official, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. Section 15151.5 is added to the Elections Code,
- 2 to read:
- 3 15151.5. (a) A county with the technical capacity to do so
- 4 shall post the following information on its Internet Web site:
- 5 (1) A statement of the result showing all of the following:
- 6 (A) The total number of ballots cast.
- 7 (B) The number of votes cast at each precinct for each candidate
- 8 and for and against each measure.
- 9 (C) The total number of votes cast for each candidate and for
- 10 and against each measure.
- 11 (D) The number of votes cast in each city, Assembly district,
- 12 congressional district, senatorial district, State Board of
- 13 Equalization district, and supervisorial district located in whole or
- 14 in part in the county, for each candidate for the offices of
- 15 presidential elector and all statewide offices, depending on the
- 16 offices to be filled, and on each statewide ballot proposition.
- 17 (2) Precinct data for absentee ballots, provisional ballots, spoiled
- 18 ballots, and any other data readily available on the computer
- 19 system.

1 (b) (1) Except as provided in paragraph (2), a county shall
2 provide the information required by subdivision (a) in both
3 downloadable spreadsheet and Election Markup Language (EML)
4 formats. The spreadsheet may include a comma-separated values
5 file or a tab-separated values file that is compatible with a
6 spreadsheet software application widely used at the time of the
7 posting.

8 (2) A county that does not have the technical capacity to provide
9 the information in both formats described in paragraph (1) shall
10 provide the information in whichever format it is able.

11 (c) Following commencement of the semifinal official canvas,
12 a county elections official shall post the information described in
13 subdivision (a) every two hours on election night and daily
14 thereafter, until the results are certified pursuant to Section 15372.

15 (d) A county that could comply with this section if its voting
16 system were modified shall comply with Section 19216.5

17 SEC. 2. Section 15372 of the Elections Code is amended to
18 read:

19 15372. (a) The elections official shall prepare a certified
20 statement of the results of the election and submit it to the
21 governing body within 30 days of the election or, in the case of
22 school district, community college district, county board of
23 education, or special district elections conducted on the first
24 Tuesday after the first Monday in November of odd-numbered
25 years, no later than the last Monday before the last Friday of that
26 month.

27 (b) The elections official shall post the certified statement of
28 the results of the election on his or her Internet Web site in a
29 downloadable spreadsheet format that may include, but is not
30 limited to, a comma-separated values file or a tab-separated values
31 file and that is compatible with a spreadsheet software application
32 that is widely used at the time of the posting. The certified
33 statement of the election results shall be posted and maintained on
34 the elections official's Internet Web site for a period of at least ~~10~~
35 *years 22 months* following the election. This subdivision shall
36 apply only to an elections official who uses a computer system
37 that has the capability of producing the election results in a
38 downloadable spreadsheet format without requiring modification
39 of the computer system.

1 SEC. 3. Section 19216.5 is added to the Elections Code, to
2 read:

3 19216.5. A county elections official of a county that could
4 comply with Section 15151.5 if its voting system were modified
5 shall propose a modification to the Secretary of State for approval
6 pursuant to Section 19216.

7 SEC. 4. If the Commission on State Mandates determines that
8 this act contains costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.