

AMENDED IN ASSEMBLY MAY 4, 2016
AMENDED IN ASSEMBLY APRIL 19, 2016
AMENDED IN ASSEMBLY APRIL 6, 2016
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

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 15151.5~~, 19204.7, and 19216.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2824, as amended, 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 results, as well

as other available election data, on its Internet Web site beginning on election night and continuing as specified 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 *by December 31, 2017*, 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.

Existing law requires the Secretary of State to certify or conditionally approve a voting system prior to any election at which it is to be used, as specified. Existing law specifically prohibits the Secretary of State from certifying or conditionally approving a voting system that lacks certain features.

This bill would in addition prohibit the Secretary of State from certifying or conditionally approving a voting system after December 31, 2017, that is not capable of generating information contained in the statement of the result in both downloadable spreadsheet and Election Markup Language (EML) formats and enabling data to be transferred from this system to an external digital medium, as specified.

By imposing additional obligations on county elections officials, 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:

1 15151.5. (a) A county with the technical capacity to do so
2 shall post the following information on its Internet Web site:

3 (1) A statement of the results showing all of the following:

4 (A) The total number of ballots cast.

5 (B) The number of votes cast at each precinct for each candidate
6 and for and against each measure.

7 (C) The total number of votes cast for each candidate and for
8 and against each measure.

9 (D) The number of votes cast in each city, Assembly district,
10 congressional district, senatorial district, State Board of
11 Equalization district, and supervisorial district located in whole or
12 in part in the county, for each candidate for the offices of
13 presidential elector and all statewide offices, depending on the
14 offices to be filled, and on each statewide ballot proposition.

15 (2) Precinct data for vote by mail ballots, provisional ballots,
16 spoiled ballots, and any other data readily available on the
17 computer system.

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

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

28 (c) (1) Following commencement of the semifinal official
29 canvass, a county elections official shall post the information
30 described in subdivision (a) at the end of election night, daily
31 through the first Friday after election day, and, thereafter, weekly
32 on Fridays until the results are certified pursuant to Section 15372.

33 (2) *Notwithstanding paragraph (1), if at any time the required*
34 *information has not changed since the time it was last posted, the*
35 *county elections official may post a statement to that effect in lieu*
36 *of reposting the information described in subdivision (a).*

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

39 SEC. 2. Section 15372 of the Elections Code is amended to
40 read:

1 15372. (a) The elections official shall prepare a certified
 2 statement of the results of the election and submit it to the
 3 governing body within 30 days of the election or, in the case of
 4 school district, community college district, county board of
 5 education, or special district elections conducted on the first
 6 Tuesday after the first Monday in November of odd-numbered
 7 years, no later than the last Monday before the last Friday of that
 8 month.

9 (b) The elections official shall post the certified statement of
 10 the results of the election on his or her Internet Web site in a
 11 downloadable spreadsheet format that may include, but is not
 12 limited to, a comma-separated values file or a tab-separated values
 13 file and that is compatible with a spreadsheet software application
 14 that is widely used at the time of the posting. The certified
 15 statement of the election results shall be posted and maintained on
 16 the elections official’s Internet Web site for a period of at least 22
 17 months following the election. This subdivision shall apply only
 18 to an elections official who uses a computer system that has the
 19 capability of producing the election results in a downloadable
 20 spreadsheet format without requiring modification of the computer
 21 system.

22 *SEC. 3. Section 19204.7 is added to the Elections Code, to*
 23 *read:*

24 *19204.7. After December 31, 2017, the Secretary of State shall*
 25 *not certify or conditionally approve any voting system that is not*
 26 *capable of all of the following:*

27 *(1) Generating the information described in paragraph (1) of*
 28 *subdivision (a) of Section 15151.5 in both downloadable*
 29 *spreadsheet and Election Markup Language (EML) formats. The*
 30 *spreadsheet may include a comma-separated values file or a*
 31 *tab-separated values file that is compatible with a spreadsheet*
 32 *software application widely used at the time of the posting.*

33 *(2) Enabling data to be transferred from the system to an*
 34 *external digital medium so that the data can safely be transferred*
 35 *to a computer connected to the Internet.*

36 ~~SEC. 3.~~

37 *SEC. 4. Section 19216.5 is added to the Elections Code, to*
 38 *read:*

39 *19216.5. A county elections official of a county that could*
 40 *comply with Section 15151.5 if its voting system were modified*

1 ~~shall~~ *shall*, by *December 31, 2017*, propose a modification to the
2 Secretary of State for approval pursuant to Section 19216.

3 ~~SEC. 4.~~

4 *SEC. 5.* If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

O