

AMENDED IN SENATE JUNE 9, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1525

Introduced by Assembly Member Beall
(Coauthor: Assembly Member Harkey)

February 27, 2009

An act to amend ~~Section 15620~~ *Sections 15620 and 15632* of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1525, as amended, Beall. Elections: recounts.

(1) *Existing law provides that if a recount of a presidential or statewide election is conducted that produces a different result than the original election result, the recount vote tallies shall replace the official canvass and shall constitute the official returns for those precincts where the recount took place.*

This bill would extend these provisions to recounts in elections conducted in multicounty jurisdictions.

(2) Existing law permits a voter to request a recount in an election, other than a statewide election, within 5 days after the election date by filing a request with the elections officials who conducted the election.

This bill would permit a voter to request a recount in an election conducted in more than one county, but not statewide, within 5 days beginning on the 29th day after the election.

Because ~~this~~ *the* bill would change duties of local elections officials, it would impose a state-mandated local program.

(3) 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 15620 of the Elections Code is amended
2 to read:

3 15620. Following completion of the official canvass, any voter
4 may, within five days thereafter, file with the elections official
5 responsible for conducting an election in the county wherein the
6 recount is sought a written request for a recount of the votes cast
7 for candidates for any office, for slates of presidential electors, or
8 for or against any measure, provided the office, slate, or measure
9 is not voted on statewide. The request shall specify on behalf of
10 which candidate, slate of electors, or position on a measure
11 (affirmative or negative) it is filed.

12 If an election is conducted in more than one county, the request
13 for the recount may be filed by any voter within five days,
14 beginning on the 29th day after the election, with the elections
15 official of, and the recount may be conducted within, any or all of
16 the affected counties.

17 For the purposes of this section, “completion of the canvass”
18 shall be presumed to be that time when the elections official signs
19 the certified statement of the results of the election except that, in
20 the case of a city election, if a city council canvasses the returns
21 itself and does not order the elections official to conduct the
22 canvass as permitted by Section 10263, “completion of the
23 canvass” shall be presumed to be that time when the governing
24 body declares the persons elected or the measures approved or
25 defeated.

26 SEC. 2. Section 15632 of the Elections Code is amended to
27 read:

28 15632. In lieu of the returns as reported in the official canvass,
29 upon completion of the recount showing that a different candidate
30 was nominated or elected, that a different presidential slate of
31 electors received a plurality of the votes, or that a measure was

1 defeated instead of approved or approved instead of defeated, there
2 shall be entered the result of the recount in each precinct affected,
3 which result shall, for all purposes thereafter, be the official returns
4 of those precincts for the office, slates of presidential electors, or
5 measure involved in the recount. If the office, slates of presidential
6 electors, or measure are not voted on statewide, *or in a multicounty*
7 *jurisdiction*, the results of any recount which is not completed by
8 counting the votes in each and every precinct in the jurisdiction
9 within which votes were cast on the candidates for the office, on
10 the slates of electors, or on the measure in question shall be
11 declared null and void. If the office, slates of presidential electors,
12 or measure are voted on statewide, *or in a multicounty jurisdiction*,
13 the results of any recount will be declared null and void where
14 there is not recounted each vote cast for the office, slates, or
15 measure in any county specified in the request *or requests* for
16 recount filed with the Secretary of State *pursuant to Section 15620*
17 *or 15621*.

18 ~~SEC. 2.~~

19 SEC. 3. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.