

Date of Hearing: August 23, 2017

ASSEMBLY COMMITTEE ON BUDGET

Philip Y. Ting, Chair

SB 117 (Committee on Budget and Fiscal Review) – As Introduced January 11, 2017

**SENATE VOTE:** 26-9

**SUBJECT:** Budget Act of 2017

**SUMMARY:** Makes statutory changes related to the 2017 Budget related to elections. Specifically, **this bill:**

- 1) Allows the Secretary of State to contract with a qualified person or organization to conduct outreach associated with the implementation of voter centers, as adopted in SB 450 (Allen), Chapter 832, Statutes of 2016;
- 2) Re-enacts provisions of SB 96 (Senate Budget and Fiscal Review), Chapter 28 of 2017, related to special election certification.
- 3) Includes findings and provisions related to legal challenge of SB 96.
- 4) Contains a \$350,000 appropriation related to vote center outreach.

**EXISTING LAW:** SB 450 (Allen), Chapter 832, Statutes of 2016, enacted the California Voter's Choice Act (CVCA), which permits counties to conduct elections in which all voters are mailed ballots, and voters have the opportunity to vote on those ballots or to vote in person at a vote center for a period of 10 days leading up to election day. Fourteen specified counties are permitted to conduct elections under this system in 2018, while the remaining counties may use this system beginning in 2020.

The California Constitution enables electors to initiate a recall of state officers by gathering sufficient signatures within a 160-day period. Upon certification by the Secretary of State that this requirement has been met, the California Constitution authorizes the Governor to call a recall election within 60 to 80 days or to consolidate it with a regularly scheduled election that is within 180 days of the certification of the signatures. The California Constitution authorizes the Legislature to provide for recall elections, and existing statutes establish a procedural framework for certifying recall petitions and holding recall elections. Existing law requires the Secretary of State, within 10 days of receiving from one or more county elections officials a petition certified to have been signed by the stated number of registered voters, to transmit to each county elections official a certificate showing that fact, and showing the total number of signatures collected by the proponents.

Existing law requires local elections officials to submit signatures gathered by proponents of a recall to the Secretary of State at least every 30 days. Existing law requires that signatures submitted at these intervals or after the deadline for submission of all signatures be verified

according to specified procedures, including the use of a random sampling technique, and, as specified, the examination and verification of each signature filed.

**FISCAL EFFECT:** Unknown

**COMMENTS:** SB 450 (Allen), Chapter 832, Statutes of 2016, enacted the California Voter's Choice Act (CVCA), which permits counties to conduct elections in which all voters are mailed ballots, and voters have the opportunity to vote on those ballots or to vote in person at a vote center for a period of 10 days leading up to election day. Fourteen specified counties are permitted to conduct elections under this system in 2018, while the remaining counties may use this system beginning in 2020.

In counties that transition to the CVCA, voters will have a significantly different voting experience than in elections conducted using a traditional, polling place-model of elections. For example, counties that conduct elections in accordance with the CVCA are not required to operate polling places on election day. Instead, the counties will operate vote centers at which voters have the opportunity to vote in person. Counties will have fewer vote centers than the number of polling places that they had, but those vote centers will be open for a much longer period of time (up to 10 days), and voters will have the flexibility of voting at any vote center in the county. In light of these significant changes in the voter experience under the CVCA, successful implementation of the CVCA will require robust voter education and community outreach.

Because the CVCA is being used for the first time in small number of counties in 2018, the education and outreach plans developed and implemented by those counties will be crucial to ensuring a successful voter experience, and will help inform implementation of the CVCA in other counties in subsequent election cycles. Requiring the Secretary of State (SOS) to coordinate on voter education and community outreach with the counties that will use the CVCA in 2018 will help ensure consistent messaging to voters in those counties, and will serve as a guideline for voter education and community outreach efforts as other counties transition to the vote center model in the future.

One of the provisions of SB 450 requires the SOS to report to the Legislature on the implementation of the CVCA. That report will be an essential tool for the Legislature to review and analyze the effectiveness of SB 450, and to determine whether any changes should be made to the law before it is implemented in additional counties in 2020. Allowing the SOS to seek an outside contractor to assist in the preparation of the report, and providing the SOS with the resources necessary to do so, will allow for a more comprehensive report to be prepared.

On August 14, 2017 the California Court of Appeals, Third Appellate District, issued a writ of mandate staying Secretary of State Padilla from enforcing the amendments to elections code related to SB 96. This bill would re-enact provisions of SB 96 (Chapter 28 of 2017) which require the Secretary of State to notify a county elections official that a petition received a sufficient number of signatures to initiate a recall election. After this notice has been provided, the bill would provide for a period of 30 business days in which voters who signed the petition

may withdraw their signatures. No later than 10 days after that period ends, the bill would require county elections officials to report to the Secretary of State the total number of signatures that were withdrawn, and would require that this process continue until the Secretary of State determines that there is a sufficient number of verified signatures, not including withdrawn signatures, to initiate a recall election. If a sufficient number of verified signatures is ultimately obtained, the bill would require the Department of Finance, in consultation with affected elections officials and the Secretary of State, to estimate the costs of the recall election if it is held as a special election or as part of the next regularly scheduled election. The bill would prohibit the Secretary of State from certifying the sufficiency of the signatures until the Joint Legislative Budget Committee has had 30 days to review and comment on the Department of Finance's estimate of the costs of the recall election. Following that period, the bill would require the Department of Finance's estimate to be posted on the Secretary of State's Internet Web site, and would authorize the Department of Finance to direct the Controller to remit specified costs of conducting the recall election to affected counties.

This bill would repeal the provisions that allow for the use of random sampling as a method of verifying signatures for a recall petition, thereby requiring the examination and verification of each signature filed.

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