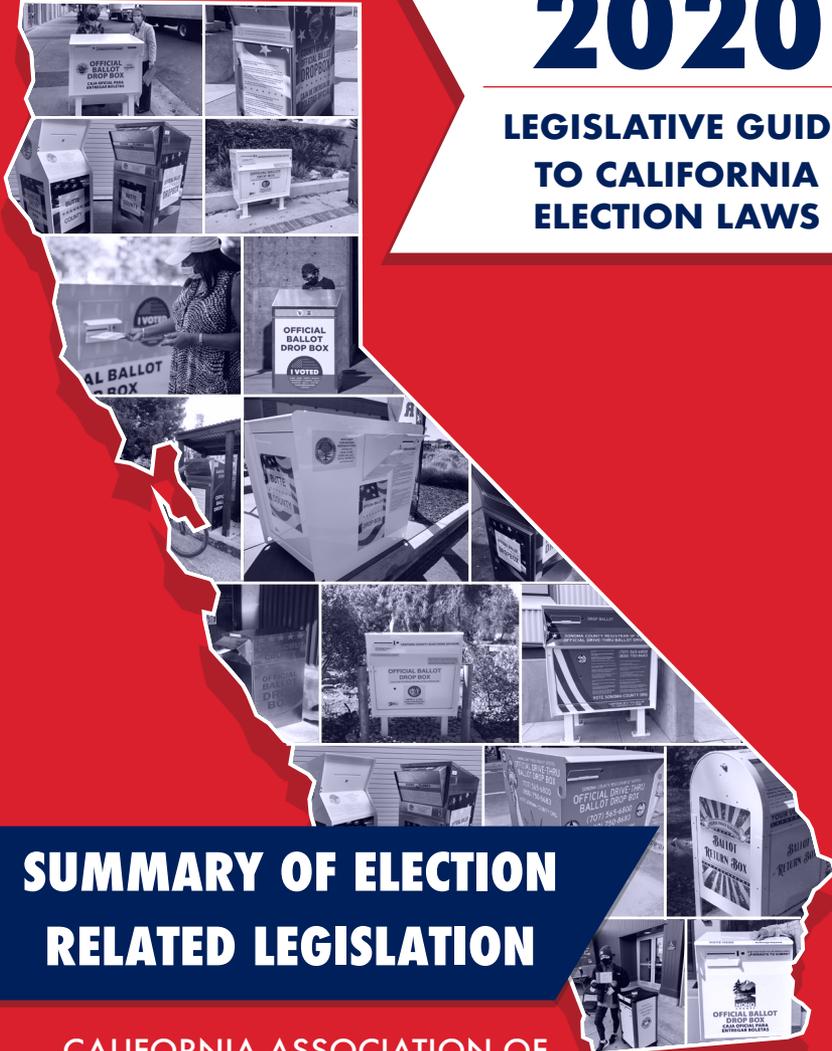# 2020

LEGISLATIVE GUIDE TO CALIFORNIA ELECTION LAWS

SUMMARY OF ELECTION RELATED LEGISLATION

CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

LEGISLATIVE GUIDE TO ELECTION LAWS

2020

Summary of Election Related Legislation

CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

How to Use This Manual

This Legislative Guide to Election Laws has been prepared to provide you with a summary of election related legislation chaptered or vetoed in 2020. Amendments or additions to text are shown by *underlined italics*, and deletions by ~~strikeouts~~. In addition to summaries of legislation and California code language, the manual also contains the Assembly or Senate Bill number, chapter number assigned by the Secretary of State, and a table of code sections affected by chaptered legislation. A copy of each bill listed in its full text can be obtained from the Legislative Counsel of California at www.leginfo.legislature.ca.gov.

Disclaimer

It is not the intent of the authors of this publication to provide any legal analysis or opinion relating to the bills listed herein. Please note that anyone using this guide must bear full responsibility to make their own determinations as to all legal standards, duties and factual material contained therein.

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ASSEMBLY	646	320
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Section Two

SECTIONS AFFECTED

Am = Amended, Add = Added, R = Repealed, Rn = Renumbered

CODE	SECTION	CHAPTER	EFFECT
ELECTIONS	316	111	Am
	340	111	Am
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	Chapter 7(commencing with Section 1600) of Division 1	31	Add and R
	1832	109	Am
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	2105.6	320	Am
	2105.7	320	Am
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	2119.5	1	Add
	2150	320	Am
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	2212	320	Am
	2300	320	Am
	Chapter 9 (commencing with Section 2700) to Division 2	169	Add

CODE	SECTION	CHAPTER	EFFECT
ELECTIONS	3000.5	4	Add
(Continued)	3016.7	4	Add
	3019.7	4	Am
	3020	4	Am
	3022	109	Am, Add and R
	7201.1	106	Am
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	15101	106	Am
	15365	33	Am
	15366	33	Am
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	18104	106	Am
	21500	90	Am
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	21506	90	Am
	21507	90	Am
	21534	90	Am
	21552	90	Am
	21600	90	Am
	21601	90	Am
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CODE	SECTION	CHAPTER	EFFECT
ELECTIONS	21623	90	Am
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	21626	90	Am
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	21630	90	Add
	23000	90	Am
	51208	90	Am
GOVERNMENT	84616	214	Add

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Section Three
2020 CHAPTERED LEGISLATION

ELECTIONS: VOTER ELIGIBILITY

Assembly Bill 646
Chapter 320

Current Provisions
Existing law prohibits a person who is on parole for the conviction of a felony from voting, registering to vote, or preregistering to vote.

New Provisions
This bill would remove those prohibitions, thereby allowing a person on parole to preregister, register, and vote and make other technical and conforming changes.

SECTIONS AFFECTED:

SECTION 1.
Amends Elections Code 2101.
        (a) A person entitled to register to vote shall be a United States citizen, a resident of California, not imprisoned ~~or on parole~~ for the conviction of a felony, and at least 18 years of age at the time of the next election.
        (b) A person entitled to preregister to vote in an election shall be a United States citizen, a resident of California, not imprisoned ~~or on parole~~ for the conviction of a felony, and at least 16 years of age.
        (c) For purposes of this section, the following definitions apply:
        (1) "Imprisoned" means currently serving a state or federal prison ~~sentence.~~ *term.*
        ~~(2) "Parole" means a term of supervision by the Department of Corrections and Rehabilitation.~~
        ~~(3)~~*(2)* "Conviction" does not include a juvenile adjudication made pursuant to Section 203 of the Welfare and Institutions Code.

SEC. 2.
Amends Elections Code 2105.6.
        (a) The Department of Corrections and Rehabilitation shall provide each ~~parolee~~ *person on parole* under ~~the jurisdiction of the department upon the completion of his or her parole, upon the parolee's request,~~ *its jurisdiction, upon*

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that person's request made at any time during the parole, information provided by the Secretary of State regarding voting rights for persons with a criminal history.

(b) Each county probation department is encouraged to notify persons that a printed version of information regarding voting rights for persons with a criminal history who are under the department's supervision is available upon request.

(c) Each county probation department shall provide each person under the department's supervision, upon the person's request, information provided by the Secretary of State regarding voting rights for persons with a criminal history.

SEC. 3.
Amends Elections Code 2105.7.

(a) A state or local juvenile detention facility, including, but not limited to, a juvenile hall, juvenile ranch, juvenile camp, or a facility of the Department of Corrections and Rehabilitation, Division of Juvenile Justice, shall do all of the following:

(1) Identify each individual housed in the facility who is of age to register to vote and not in prison ~~or on parole~~ for the conviction of a felony.

(2) Provide an affidavit of registration to each individual housed in the facility who is of age to register to vote and not in prison ~~or on parole~~ for the conviction of a felony by doing either of the following:

(A) Providing the individual a paper affidavit of registration.

(B) Directing the individual to an affidavit of registration provided on the ~~Internet Web site~~ *internet website* of the Secretary of State.

(3) Assist each individual housed in the facility who is of age to register to vote and not in prison ~~or on parole~~ for the conviction of a felony with the completion of the affidavit of registration, unless the individual declines assistance.

(b) A facility providing paper affidavits of registration pursuant to subdivision (a) shall do either of the following:

(1) Assist the individual who completed the voter registration card in returning the completed card to the county elections official.

(2) Accept any completed voter registration card and transmit the card to the county elections official.

SEC. 4.
Amends Elections Code 2106.

A program adopted by a county pursuant to Section 2103 or 2105, that is designed to encourage the registration of electors, shall contain the following statement in printed literature or media announcements made in connection with the program: "A person entitled to register to vote must be a United States citizen, a resident of California, not currently imprisoned in a state or federal prison ~~or on state parole~~ for the conviction of a felony, and at least 18 years of age at the time of the election. A person may preregister to vote if ~~he or she~~ *that person* is a United States citizen,

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a resident of California, not currently imprisoned in a state or federal prison ~~or on state parole~~ for the conviction of a felony, and at least 16 years of age." A county elections official may continue to use existing materials before printing new or revised materials required by any changes to this section.

SEC. 5.
Amends Elections Code 2150.

(a) The affidavit of registration shall show:

(1) The facts necessary to establish the affiant as an elector.

(2) The affiant's name at length, including ~~his or her~~ *the person's* given name, and a middle name or initial, or if the initial of the given name is customarily used, then the initial and middle name. The affiant's given name may be preceded, at the affiant's option, by the designation of "Miss," "Ms.," "Mrs.," or "Mr." A person shall not be denied the right to register because of ~~his or her~~ *that person's* failure to mark a prefix to the given name and shall be so advised on the voter registration card. This subdivision shall not be construed as requiring the printing of prefixes on an affidavit of registration.

(3) The affiant's place of residence, residence telephone number, if furnished, and email address, if furnished. A person shall not be denied the right to register because of ~~his or her~~ *the person's* failure to furnish a telephone number or email address, and shall be so advised on the voter registration card.

(4) The affiant's mailing address, if different from the place of residence.

(5) The affiant's date of birth to establish that ~~he or she~~ *the affiant* will be at least 18 years of age on or before the date of the next election. In the case of an affidavit of registration submitted pursuant to subdivision (d) of Section 2102, the affiant's date of birth to establish that ~~he or she~~ *the affiant* is at least 16 years of age.

(6) The state or country of the affiant's birth.

(7) (A) In the case of an affiant who has been issued a current and valid driver's license, the affiant's driver's license number.

(B) In the case of any other affiant, other than an affiant to whom subparagraph (C) applies, the last four digits of the affiant's social security number.

(C) If a voter registration affiant has not been issued a current and valid driver's license or a social security number, the state shall assign the affiant a number that will serve to identify the affiant for voter registration purposes. If the state has a computerized list in effect under this paragraph and the list assigns unique identifying numbers to registrants, the number assigned under this subparagraph shall be the unique identifying number assigned under the list.

(8) The affiant's political party preference.

(9) That the affiant is currently not imprisoned ~~or on parole~~ for the conviction of a felony.

(10) A prior registration portion indicating whether the affiant has been registered at another address, under another name, or as preferring another party.

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If the affiant has been so registered, ~~he or she~~ *the affiant* shall give an additional statement giving that address, name, or party.

(b) The affiant shall certify the content of the affidavit of registration as to its truthfulness and correctness, under penalty of perjury, with the signature of ~~his or her~~ *the affiant's* name and the date of signing. If the affiant is unable to write, ~~he or she~~ *the affiant* shall sign with a mark or cross. An affiant who is an individual with a disability may complete the affidavit with reasonable accommodations as needed.

(c) The affidavit of registration shall also contain a space that would enable the affiant to state ~~his or her~~ *the affiant's* ethnicity or race, or both. An affiant shall not be denied the ability to register because ~~he or she~~ *the affiant* declines to state ~~his or her~~ *the affiant's* ethnicity or race.

(d) If a person assists the affiant in completing the affidavit of registration, that person shall sign and date the affidavit below the signature of the affiant.

(e) The affidavit of registration shall also contain a space to permit the affiant to apply for permanent vote by mail status.

(f) The Secretary of State may continue to supply existing affidavits of registration to county elections officials before printing new or revised forms that reflect the changes made to this section by Chapter 508 of the Statutes of 2007.

SEC. 6.
Amends Elections Code 2201.

(a) The county elections official shall cancel the registration in the following cases:

(1) At the signed, written request of the person registered.

(2) When the mental incompetency of the person registered is legally established as provided in Sections 2208, 2209, 2210, and 2211.

(3) Upon proof that the person is presently imprisoned ~~or on parole~~ for conviction of a felony.

(4) Upon the production of a certified copy of a judgment directing the cancellation to be made.

(5) Upon the death of the person registered.

(6) Pursuant to Article 2 (commencing with Section 2220).

(7) Upon official notification that the voter is registered to vote in another state.

(8) Upon proof that the person is otherwise ineligible to vote.

(b) The Secretary of State may cancel the registration in the following cases:

(1) When the mental incompetency of the person registered is legally established as provided in Sections 2208, 2209, 2210, and 2211.

(2) Upon proof that the person is presently imprisoned ~~or on parole~~ for the conviction of a felony.

(3) Upon the death of the person registered.

SEC. 7.
Amends Elections Code 2212.
The clerk of the superior court of each county, on the basis of the records of the court, shall furnish to the Secretary of State and the county elections official in the format prescribed by the Secretary of State, not less frequently than the first day of every month, a statement showing the names, addresses, and dates of birth of all persons who have been committed to state prison as the result of a felony conviction since the clerk's last report. The Secretary of State or county elections official shall cancel the affidavits of registration of those persons who are currently imprisoned ~~or on parole~~ for the conviction of a felony. The clerk shall certify the statement under the seal of the court.

SEC. 8.
Amends Elections Code 2300.
        (a) All voters, pursuant to the California Constitution and this code, shall be citizens of the United States. There shall be a Voter Bill of Rights for voters, available to the public, which shall convey all of the following to voters:
        (1) (A) You have the right to cast a ballot if you are a valid registered voter.
        (B) A valid registered voter means a United States citizen who is a resident in this state, who is at least 18 years of age and not ~~in prison or on parole~~ *serving a state or federal prison term* for conviction of a felony, and who is registered to vote at ~~his or her~~ *their* current residence address.
        (2) You have the right to cast a provisional ballot if your name is not listed on the voting rolls.
        (3) You have the right to cast a ballot if you are present and in line at the polling place before the close of the polls.
        (4) You have the right to cast a secret ballot free from intimidation.
        (5) (A) You have the right to receive a new ballot if, before casting your ballot, you believe you made a mistake.
        (B) If at any time before you finally cast your ballot, you feel you have made a mistake, you have the right to exchange the spoiled ballot for a new ballot. Vote by mail voters may also request and receive a new ballot if they return their spoiled ballot to an elections official before the closing of the polls.
        (6) You have the right to receive assistance in casting your ballot, if you are unable to vote without assistance.
        (7) You have the right to return a completed vote by mail ballot to any precinct in the county.
        (8) You have the right to election materials in another language, if there are sufficient residents in your precinct to warrant production.
        (9) (A) You have the right to ask questions about election procedures and observe the election process.
        (B) You have the right to ask questions of the precinct board and elections officials regarding election procedures and to receive an answer or be directed

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to the appropriate official for an answer. However, if persistent questioning disrupts the execution of their duties, the precinct board or elections officials may discontinue responding to questions.

(10) You have the right to report any illegal or fraudulent activity to a local elections official or to the Secretary of State's office.

(b) Beneath the Voter Bill of Rights there shall be listed a toll-free telephone number to call if a person has been denied a voting right or to report election fraud or misconduct.

(c) The Secretary of State may do both of the following:

(1) Develop regulations to implement and clarify the Voter Bill of Rights set forth in subdivision (a).

(2) Revise the wording of the Voter Bill of Rights as necessary to ensure the use of clear and concise language free from technical terms.

(d) The Voter Bill of Rights set forth in subdivisions (a) and (b) shall be made available to the public before each election and on election day, at a minimum, as follows:

(1) The Voter Bill of Rights shall be printed in the state voter information guide, pursuant to Section 9084, in a minimum of 12-point type. Subparagraph (B) of paragraph (1) of subdivision (a), subparagraph (B) of paragraph (5) of subdivision (a), and subparagraph (B) of paragraph (9) of subdivision (a) may be printed in a smaller point type than the rest of the Voter Bill of Rights.

(2) Posters or other printed materials containing the Voter Bill of Rights shall be included in precinct supplies pursuant to Section 14105.

SEC. 9.
Amends Elections Code 14240.

(a) A person offering to vote may be orally challenged within the polling place only by a member of the precinct board upon any or all of the following grounds:

(1) That the voter is not the person whose name appears on the roster.

(2) That the voter is not a resident of the precinct, or in an election conducted using a voter center, not a resident of the county.

(3) That the voter is not a citizen of the United States.

(4) That the voter has voted in that election.

(5)~~That the voter is presently on parole for the conviction of a felony.~~

(b) A person, other than a member of a precinct board or other official responsible for the conduct of the election, shall not challenge or question any voter concerning the voter's qualifications to vote.

(c) If any member of a precinct board receives, by mail or otherwise, any document or list concerning the residence or other voting qualifications of any person or persons, with the express or implied suggestion, request, or demand that the person or persons be challenged, the board member shall first determine whether the document or list contains or is accompanied by evidence constituting

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probable cause to justify or substantiate a challenge. In any case, before making any use whatever of such a list or document, the member of the precinct board shall immediately contact the elections official, charged with the duty of conducting the election, and describe the contents of the document or list and the evidence, if any, received bearing on voting qualifications. The elections official shall advise the members of the precinct board as to the sufficiency of probable cause for instituting and substantiating the challenge and as to the law as herein provided, relating to hearings and procedures for challenges by members of the precinct board and determination thereof by a precinct board. The elections official may, if necessary, designate a deputy to receive and answer inquiries from precinct board members as herein provided.

SEC. 10.
This act shall become operative only if ACA ———— *6* of the 2019-20 *2019–20* Regular Session is approved by the voters.

ELECTIONS: VOTE BY MAIL BALLOTS

Assembly Bill 860
Chapter 4

Current Provisions
Under existing law, a registered voter may vote by mail by requesting a vote by mail ballot for a specific election or by becoming a permanent vote by mail voter. County elections officials must begin mailing ballots and other required materials to these voters no later than 29 days before the day of the election. Existing law, the California Voter's Choice Act, authorizes any county to conduct any election occurring on or after January 1, 2020, as an all-mailed ballot election if specified conditions are met. In an all-mailed ballot election held under the act, the county elections official must mail a ballot to every registered voter, regardless of whether the voter requested a vote by mail ballot or is a permanent vote by mail voter.

Existing law requires county elections officials to permit voters with a disability, and military or overseas voters, to cast a ballot using a certified remote accessible vote by mail system.

Existing law requires the Secretary of State to establish, by January 1, 2020, a system that a county elections official may use to allow a voter to track the voter's vote by mail ballot through the mail system and processing by the county elections

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official. County elections officials are not required to use the system, however.

Under existing law, a vote by mail ballot is timely cast if it is voted on or before election day and, if returned by mail, received by the voter's elections official via the United States Postal Service, or a bona fide private mail delivery company, no later than 3 days after election day.

 Under existing law, any jurisdiction having the necessary computer capability may start to process vote by mail ballots on the 10th business day before the election. This processing includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, including processing write-in votes so that they can be tallied by the machine, but under no circumstances may a vote count be accessed or released until 8 p.m. on the day of the election.

New Provisions
This bill would require county elections officials to mail a ballot to every registered voter for the November 3, 2020, statewide general election.

This bill would require county elections officials to use the Secretary of State's system, or a system that meets the same specifications, for the November 3, 2020, statewide general election.

This bill would, for the November 3, 2020, statewide general election, extend the deadline by which vote by mail ballots must be received by the county elections official to the 17th day after election day.

This bill would authorize these jurisdictions, for the November 3, 2020, statewide general election, to begin processing vote by mail ballots on the 29th day before the election.

By requiring county elections officials to mail a ballot to every registered voter, and to take other actions expanding vote by mail voting, including making remote accessible voting available to all voters, this bill would impose a state-mandated local program.

SECTIONS AFFECTED:

SECTION 1.
The Legislature finds and declares all of the following:
          (a) To maintain a healthy democracy in California, it is important to encourage eligible voters to vote and to ensure that residents of the state have the tools needed to participate in every election.

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(b) Vote by mail voting has become the means by which most Californians exercise their right to vote. In the most recent statewide general election, held in November 2018, 65.31 percent of voters used a vote by mail ballot. Just 10 years ago, in the November 2010 statewide general election, only 48.44 percent of voters used a vote by mail ballot.

(c) Preliminary data indicates that for the March 2020 statewide primary election, approximately 78 percent of registered voters received a ballot in the mail.

(d) Shortly after the March 2020 statewide primary election, the Governor and local governments declared states of emergency and took steps to reduce the spread of COVID-19. One of the early steps taken by the Governor was to order that three pending special elections be conducted as all-mailed ballot elections. This order was issued based on concerns that widespread in-person voting would conflict with public health officials' guidance on COVID-19.

(e) Since California held its statewide primary election in March 2020, at least 16 states have either postponed their scheduled primary elections, or switched them to vote by mail elections, due to concerns that conducting in-person voting during the spread of COVID-19 would threaten the health and safety of voters, election workers, and the general public.

(f) In Wisconsin's statewide primary election conducted on April 7, 2020, during which millions of voters had no choice but to vote in person, elections officials were forced to significantly reduce the number of polling locations because of COVID-19. In Milwaukee, the number of polling locations open on election day was reduced by more than 97 percent.

(g) A statewide general election will be held in California on November 3, 2020, and it is uncertain whether by that date the COVID-19 pandemic will have subsided and what social distancing guidelines will remain in place. Even if the pandemic has subsided by the time of the election, many voters may nonetheless be uncomfortable with in-person voting because of health concerns.

(h) Broadening the ability of California residents to engage in the democratic process will yield more representative election results and will ensure that the voices of more California residents are heard.

(i) Mailing every voter a ballot for the November 2020 statewide general election is an important step in promoting resilience in the state's elections and ensuring that every California voter will have the opportunity to fill out their ballot in a safe manner.

(j) Consistent with paragraph (2) of subdivision (a) of Section 2226 of the Elections Code, and with the longstanding interpretation by state and local elections officials of Sections 4000 to 4108, inclusive, of the Elections Code governing the conduct of all-mailed ballot elections and of Section 3005 of the Elections Code governing mailed ballot precincts, nothing in this act is intended, and shall not be construed, to mean that a voter with an inactive voter registration status shall receive a vote by mail ballot for the November 3, 2020, statewide

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general election.

SEC. 2.
Adds Election Code 3000.5.

> *(a) Notwithstanding any other law, for the statewide general election to be held on November 3, 2020, the county elections official shall, no later than 29 days before the day of the election, begin mailing the materials specified in Section 3010 to every registered voter in the county. The county elections official shall have five days to mail a ballot to each person who is registered to vote on the 29th day before the day of the election and five days to mail a ballot to each person who is subsequently registered to vote. The county elections official shall not discriminate against any region or precinct in the county in choosing which ballots to mail first within the prescribed five-day mailing period.*

> *(b) The distribution of vote by mail ballots to all registered voters does not prevent a voter from voting in person at a polling place, vote center, or other authorized location.*

SEC. 3.
Amends Elections Code 3016.7.

> *For the statewide general election to be held on November 3, 2020, the county elections official shall permit any voter to cast a ballot using a certified remote accessible vote by mail system, regardless of whether the voter is a voter with disabilities or a military or overseas voter.*

SEC. 4.
Amends Elections Code 3019.7.

(a) Not later than January 1, 2020, the Secretary of State shall establish a system that a county elections official may use to allow a vote by mail voter to track ~~his or her~~ *the voter's* vote by mail ballot through the mail system and as the vote by mail ballot is processed by the county elections official. The system established pursuant to this section shall, at a minimum, allow a voter to register to receive information via email or text message from the county elections official about the status of ~~his or her~~ *the voter's* vote by mail ballot, including all of the following information:

(1) A notification when the ballot has been delivered by the county elections official to the United States Postal Service.

(2) A notification of the date, based on information from the United States Postal Service, that the voter's ballot is expected to be delivered to the voter.

(3) A notification if the voter's ballot is returned as undeliverable to the county elections official by the United States Postal Service.

(4) A notification when the voter's completed ballot has been received by the county elections official.

(5) A notification that the voter's completed ballot has been counted, or, if

the ballot cannot be counted, a notification of the reason why the ballot could not be counted and instructions of any steps that the voter can take in order to have the ballot counted.

(6) A reminder of the deadline for the voter to return ~~his or her~~ *the voter's* ballot if the county elections official has not received a voter's completed ballot by specified dates as determined by the county elections official.

(b) The Secretary of State shall make the system established pursuant to subdivision (a) available for use by each county. A county elections official may use the system for the purpose of complying with Section 3019.5.

(c) The Secretary of State shall use funds provided to the state pursuant to the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.) to develop the system described in this section. The Secretary of State shall implement this section only to the extent that these funds are available.

(d) For the statewide general election to be held on November 3, 2020, the county elections official shall use the system established by the Secretary of State pursuant to subdivision (a), unless the county makes available to voters a different vote by mail ballot tracking system that meets or exceeds the level of service provided by the Secretary of State's system.

SEC. 5.
Amends Elections Code 3020.

(a) All vote by mail ballots cast under this division shall be received by the elections official from whom they were obtained or by the precinct board no later than the close of the polls on election day.

(b) Notwithstanding subdivision (a), any vote by mail ballot cast under this division shall be timely cast if it is received by the voter's elections official via the United States Postal Service or a bona fide private mail delivery company no later than three days after election day and either of the following is satisfied:

(1) The ballot is postmarked on or before election day or is time stamped or date stamped by a bona fide private mail delivery company on or before election day.

(2) If the ballot has no postmark, a postmark with no date, or an illegible postmark, the vote by mail ballot identification envelope is date stamped by the elections official upon receipt of the vote by mail ballot from the United States Postal Service or a bona fide private mail delivery company, and is signed and dated pursuant to Section 3011 on or before election day.

(c) For purposes of this section, "bona fide private mail delivery company" means a courier service that is in the regular business of accepting a mail item, package, or parcel for the purpose of delivery to a person or entity whose address is specified on the item.

(d) Notwithstanding subdivisions (a) and (b), for the statewide general election to be held on November 3, 2020, any vote by mail ballot cast under this division shall be timely cast if it is received by the voter's elections official via the

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United States Postal Service or a bona fide private mail delivery company by the 17th day after election day and either of the following is satisfied:

(1) The ballot is postmarked on or before election day, is time stamped or date stamped by a bona fide private mail delivery company on or before election day, or it is otherwise indicated by the United States Postal Service or a bona fide private mail delivery company that the ballot was mailed on or before election day.

(2) If the ballot has no postmark, a postmark with no date, or an illegible postmark, and no other information is available from the United States Postal Service or the bona fide private mail delivery company to indicate the date on which the ballot was mailed, the vote by mail ballot identification envelope is date stamped by the elections official upon receipt of the vote by mail ballot from the United States Postal Service or a bona fide private mail delivery company, and is signed and dated pursuant to Section 3011 on or before election day.

SEC. 6.
Amends Elections Code 15101.

(a) Any jurisdiction in which vote by mail ballots are cast may begin to process vote by mail ballot return envelopes beginning 29 days before the election. Processing vote by mail ballot return envelopes may include verifying the voter's signature on the vote by mail ballot return envelope pursuant to Section 3019 and updating voter history records.

(b) *(1)* Any jurisdiction having the necessary computer capability may start to process vote by mail ballots on the 10th business day before the election. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, including processing write-in votes so that they can be tallied by the machine, but under no circumstances may a vote count be accessed or released until 8 p.m. on the day of the election. All other jurisdictions shall start to process vote by mail ballots at 5 p.m. on the day before the election.

(2) For the statewide general election to be held on November 3, 2020, any jurisdiction having the necessary computer capability may start to process vote by mail ballots on the 29th day before the election. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, including processing write-in votes so that they can be tallied by the machine, but under no circumstances may a vote count be accessed or released until 8 p.m. on the day of the election. All other jurisdictions shall start to process vote by mail ballots at 5 p.m. on the day before the election.

(c) Results of any vote by mail ballot tabulation or count shall not be released before the close of the polls on the day of the election.

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SEC. 7.

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

SEC. 8.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

To ensure that county elections officials have sufficient time to prepare and mail a ballot to every registered voter in advance of the November 3, 2020, statewide general election, it is necessary for this act to take effect immediately.

LOCAL REDISTRICTING

Assembly Bill 1276
Chapter 90

Current Provisions

(1) Existing law establishes procedures and criteria pursuant to which counties, general law cities, and charter cities adopt supervisorial and council district boundaries for the purpose of electing members of a county' s board of supervisors or a city' s council.

(2) Under the redistricting procedures described above, existing law requires those jurisdictions to adopt the boundaries of districts no earlier than August 1 in each year ending in the number 1, but not later than 151 days before the jurisdiction' s next regular election occurring in March in each year ending in the number 2. Existing law requires the board of supervisors or the council to publish the date, time, and location of a public hearing or workshop on redistricting, or a draft map pending adoption as a final map, on the internet at least 3 days in advance if the hearing or workshop is held, or the draft map will be adopted as a final map, within 179 days of the jurisdiction' s next regular election. Existing law requires the Citizens Redistricting Commission and the Legislature to coordinate efforts to make publicly available a computerized database which contains data necessary for redistricting. Existing law authorizes a candidate for elective office

in a county or charter city to submit a petition containing signatures of a specified number of registered voters in lieu of a filing fee, and requires an elections official to make forms for securing signatures available commencing 60 days before the first day for circulating nomination papers, except as specified.

(4) Existing law establishes the Citizens Redistricting Commission in the County of Los Angeles and the Independent Redistricting Commission in the County of San Diego for the purpose of adjusting the boundaries of supervisorial districts of the boards of supervisors in those counties. Existing law requires each of the supervisorial districts in the jurisdiction of one of those commissions to have a reasonably equal population with other districts in the same jurisdiction, except as specified. Existing law requires each of those commissions to adopt a redistricting plan adjusting the boundaries of supervisorial districts and to file the plan with specified county officials before August 15 of the year following the year in which each federal decennial census is taken. Existing law requires the commissions to conduct public hearings before drawing a map that proposes redistricting. Existing law provides that a redistricting plan is not effective until 30 days after it is filed.

(5) The California Constitution authorizes a city to adopt a charter by a majority vote of its electors, and authorizes a charter city to make and enforce all ordinances and regulations in respect to municipal affairs. The California Constitution provides that it shall be competent in a city charter to provide for the manner in which, the method by which, the times at which, and the terms for which municipal officers and employees shall be elected or appointed. Existing law establishes criteria pursuant to which charter cities adjust or adopt council district area boundaries, as applicable, for the purpose of electing members of the city council. These criteria encourage council districts to be geographically contiguous and compact, to respect the geographic integrity of communities of interest, as defined, and to have easily identifiable and understandable boundaries.

New Provisions
This bill would make technical, clarifying, and conforming changes to make these provisions consistent in their application to those jurisdictions.

This bill would, for redistricting occurring in 2031 and thereafter, instead require district boundaries to be adopted no later than 205 days before the jurisdiction' s next regular election occurring after January 1 in each year ending in the number 2. For redistricting occurring before 2031, the bill would require boundaries to be adopted not later than 174 days before the next regular election if the election is held after January 1, 2022, and before July 1, 2022, and not later than 205 days before the next regular election if the election is held on or after July 1, 2022. For redistricting in counties and charter cities to which the 174 day deadline applies, the bill would prohibit forms for securing signatures in lieu of a filing fee from being made available until at least 28 days after the adoption of a final map, and would require an elections official in a county or charter city to reduce the number of

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signatures required, as specified, if that prohibition reduces the amount of time in which a candidate can collect signatures before the first day for circulating nomination papers. The bill would instead require the board of supervisors or council to publish the date, time, and location of a hearing or workshop on the internet at least 3 days in advance if the hearing or workshop is held within 28 days of the deadline for the jurisdiction to adopt district boundaries. The bill would prohibit a board of supervisors or council, or their contractors, from releasing draft maps of districts earlier than 3 weeks after the database described above is made publicly available, unless the database is made available less than 90 days before the deadline to adopt a map, in which case the 3 week period would be shortened or waived, as specified.

This bill would require the measure of population equality for supervisorial districts in those counties to be based on the total population of residents of the respective county as determined by the most recent federal decennial census for which specified redistricting data is available, and would prohibit an incarcerated person from being counted as part of a county's population, unless specified redistricting data shows that the incarcerated person's last known place of residence may be assigned to the county. The bill would instead require each of those commissions to file their redistricting plans pursuant to the deadlines for adopting district boundaries described above that are applicable to counties. The bill would also apply to those commissions the provisions described above that prohibit counties or their contractors from releasing draft maps within certain time periods following the date on which redistricting data becomes publicly available. The bill would authorize the commissions to change the location of a hearing, including the use of virtual hearings that permit remote access and participation, if a public health order that prohibits large gatherings is in place, subject to specified requirements. The bill would repeal the provisions described above delaying the effective date of a redistricting plan.

This bill would provide that these criteria do not apply to a charter city that has adopted comprehensive or exclusive redistricting criteria, as defined, in its city charter. The bill would clarify that if a council assigns the power to adopt new district boundaries to an advisory, hybrid, or independent redistricting commission, the charter city remains subject to the same redistricting deadlines, requirements, and restrictions that are applicable to the council.

SECTIONS AFFECTED:

SECTION 1.
Amends Elections Code 21500.
    (a) Following *a county's decision to elect its board using district-based elections, or following* each federal decennial ~~census, and using that census as~~

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a basis~~,~~ *census for a county whose board is already elected using district-based elections,* the board shall ~~adjust the boundaries of any or~~ *adopt boundaries for* all of the supervisorial districts of the county so that the supervisorial districts shall be substantially equal in population as required by the United States Constitution.

(1) Population equality shall be based on the total population of residents of the county as determined by ~~that census.~~ *the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.*

(2) Notwithstanding paragraph (1), an incarcerated person, as that term is used in Section 21003, shall not be counted ~~as part of~~ *towards* a county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(b) The board shall adopt supervisorial district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).

(c) The board shall adopt supervisorial district boundaries using the following criteria as set forth in the following order of priority:

(1) To the extent practicable, supervisorial districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

(2) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single supervisorial district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

(3) To the extent practicable, the geographic integrity of a city or census designated place shall be respected in a manner that minimizes its division.

(4) Supervisorial district boundaries should be easily identifiable and understandable by residents. To the extent practicable, supervisorial districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the county.

(5) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, supervisorial districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

(d) The board shall not adopt supervisorial district boundaries for the

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purpose of favoring or discriminating against a political party.

SEC. 2.
Amends Elections Code 21500.1.
(a) This chapter applies ~~only to counties electing members of~~ the *to a county that elects members of the county's* board of supervisors by districts or from districts.

(b) This chapter shall not be interpreted to limit the discretionary remedial authority of any federal or state court.

SEC. 3.
Amends Elections Code 21501.
~~The boundaries of the supervisorial districts shall be adopted by the board no earlier than August 1, 2021, and August 1 in each year ending in the number one thereafter, but no later than 151 days before the county's next regular election occurring after March 1, 2022, and after March 1 in each year ending in the number two thereafter. However, this section does not prohibit the board from holding public hearings or workshops on the placement of supervisorial district boundaries before August 1.~~

(a) (1) For redistricting occurring in 2031 and thereafter, the boundaries of the supervisorial districts shall be adopted by the board not later than 205 days before the county's next regular election occurring after January 1 in each year ending in the number two.

(2) For redistricting occurring before 2031 and where a county has a regular election occurring after January 1, 2022, and before July 1, 2022, the boundaries of the supervisorial districts shall be adopted by the board not later than 174 days before that election. Notwithstanding subdivision (b) of Section 8106, the forms required under that subdivision shall not be made available until at least 28 days after the adoption of a final map. The elections official shall reduce the required number of signatures for the in-lieu-filing-fee petition, as specified in subdivision (a) of Section 8106, by the same proportion as the reduction in time for the candidate to collect signatures.

(3) For redistricting occurring before 2031 and where a county does not have a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the supervisorial districts shall be adopted by the board not later than 205 days before the county's next regular election occurring on or after July 1, 2022.

(b) This section does not apply when a county transitions from at-large to district-based elections.

SEC. 4.
Amends Elections Code 21506.
(a) The term of office of any supervisor who has been elected and whose

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term of office has not expired shall not be affected by any change in the boundaries of the district from which the supervisor was elected.

(b) At the first election for county supervisors in each county following adoption of the boundaries of supervisorial districts, *excluding a special election to fill a vacancy or a recall election,* a supervisor shall be elected for each district under the new district plan that has the same district number as a district whose incumbent's term is due to expire. *This subdivision does not apply when a county transitions from at-large to district-based elections.*

(c) A *For a county employing both a primary and a general election, a* change in the boundaries of a supervisorial district shall not be made between the direct primary election and the general election.

(d) The successor to the office of supervisor in a supervisorial district for which the district boundaries have been changed shall be a resident and voter of that supervisorial district.

(d) Except as provided in subdivision (a), a person is not eligible to hold office as a member of a board of supervisors unless that person meets the requirements of Section 201 of the Elections Code and Section 24001 of the Government Code.

SEC. 5.
Amends Elections Code 21507.
Before ~~adjusting~~ *adopting* the boundaries of a district pursuant to Section 21501 or 21503, or for any other reason, the board shall hold public hearings on the proposal in accordance with Section 21507.1. This section does not apply when a county transitions from at-large to district-based elections.

SEC. 6.
Amends Elections Code 21508.
(a) The board shall take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. ~~A good faith effort satisfies the requirements of this subdivision.~~ These steps shall include *a good faith effort to do all of* the following:

(1) Providing information to media organizations that provide county news coverage, including media organizations that serve language minority communities.

(2) Providing information through good government, civil rights, civic engagement, ~~or~~ *and* community groups or organizations that are active in the county, including those active in language minority communities, ~~or~~ *and those* that have requested to be notified concerning county redistricting.

(b) The board shall arrange for the live translation in an applicable language of a public hearing or workshop held pursuant to this chapter if a request for translation is made at least 72 hours before the hearing or workshop, unless

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less than five days' notice are provided for the hearing or workshop, in which case the request shall be made at least 48 hours before the hearing or workshop.

(c) Notwithstanding Section 54954.2 of the Government Code, the board shall publish the date, time, and location for any public hearing or workshop on the internet at least five days before the hearing or workshop. However, if there are fewer than ~~179 days until the county's next regular election,~~ *28 days until the deadline to adopt boundaries,* the board may publish the agenda on the internet for at least three days before the hearing or workshop.

(d) (1) A draft map shall be published on the internet for at least seven days before being adopted as a final map by the board provided that, if there are fewer than ~~179 days until the county's next regular election,~~ *28 days until the deadline to adopt boundaries,* the draft map may instead be published on the internet for at least three days.

(2) Each draft map prepared by a member of the board or by employees *or contractors* of the county shall be accompanied by information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed supervisorial district, to the extent the county has that data.

(3) (A) The board and employees or contractors of the county shall not release draft maps of supervisorial districts earlier than three weeks after the block-level redistricting database required by subdivision (b) of Section 8253 of the Government Code is first made publicly available. This subparagraph does not prohibit the board from holding public hearings or workshops on the placement of supervisorial district boundaries before the earliest date that draft maps of supervisorial districts may be released.

(B) If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 90 days and more than 59 days, then the waiting period required by subparagraph   (A)   is reduced to one week. If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 60 days, then the waiting period required by subparagraph (A) is waived.

(e) The board shall allow the public to submit testimony or draft maps in writing and electronically.

(f) The county shall either record or prepare a written summary of each public comment and board deliberation made at every public hearing or workshop held pursuant to this article. The county shall make the recording or written summary available to the public within two weeks after the public hearing or workshop.

(g) The board shall establish, and maintain for at least 10 years after the adoption of new supervisorial district boundaries, an internet web page dedicated to redistricting. The web page may be hosted on the county's existing internet website or another internet website maintained by the county. The web page shall include, or link to, all of the following information:

(1) A general explanation of the redistricting process for the county, in

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English and applicable languages.

(2) The procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the board, in English and applicable languages.

(3) A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop ~~meets~~ *satisfies* the notice required by subdivision (c).

(4) The notice and agenda for each public hearing and workshop.

(5) ~~The audio or audiovisual recording and adopted minutes of each public hearing.~~ *The recording or written summary of each public hearing and workshop.*

(6) Each draft map considered by the board at a public hearing.

(7) The adopted final map of supervisorial district boundaries.

(h) For purposes of this section, "applicable language" means any language in which ballots are required to be provided in the county pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

(i) This section does not apply when a county transitions from at-large to district-based elections.

(j) ~~The~~ *Before January 1, 2021, and before January in each year ending in the number one thereafter, the* Secretary of State shall publish on the internet a template explaining the county redistricting process that meets the requirements of paragraphs (1) and (2), inclusive, of subdivision (g). The Secretary of State shall publish the template in all of the languages into which ballots are required to be translated in the state pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503). The template shall be published in a conspicuous location on the Secretary of State's internet website.

SEC. 7.
Amends Elections Code 21534.

(a) The commission shall establish single-member supervisorial districts for the board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) *(A)* Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.

(B) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(C) Notwithstanding subparagraph (B), an incarcerated person, as that term is used in Section 21003, shall not be counted towards the county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in the computerized database for

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redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(2) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where this does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

(b) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.

(c) (1) The commission shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) *(A)* Before the commission draws a map, the commission shall conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

(B) In the event any state or local health order prohibits large gatherings, the commission may modify the location of the hearings, including use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. If the commission modifies the location of a hearing, it shall provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. The commission shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include, but are not limited to, setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.

(3) After the commission draws a draft map, the commission shall do both of the following:

(A) Post the map for public comment on the ~~Internet Web site~~ *internet website* of the County of Los Angeles.

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(B) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

(4) (A) The commission shall establish and make available to the public a calendar of all public hearings described in paragraphs (2) and (3). Hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

(B) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in paragraphs (2) and (3) at least seven days before the hearings. The agenda for a meeting required by paragraph (3) shall include a copy of the draft map.

(5) (A) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 24 hours before the hearing.

(B) For purposes of this paragraph, an "applicable language" means a language for which the number of residents of the County of Los Angeles who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

(6) The commission shall take steps to encourage county residents to participate in the redistricting public review process. These steps may include:

(A) Providing information through media, social media, and public service announcements.

(B) Coordinating with community organizations.

(C) Posting information on the ~~Internet Web site~~ *internet website* of the County of Los Angeles that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the commission.

(7) The board shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the commission members.

(8) The board shall provide reasonable funding and staffing for the commission.

(9) All records of the commission relating to redistricting, and all data considered by the commission in drawing a draft map or the final map, are public records.

(d) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the county elections official ~~before August 15 of the year following the year in which each decennial federal census is taken.~~ *by the map adoption deadline set forth in subdivision (a) of Section 21501. The commission shall not release a draft map before the date set forth in paragraph (3) of subdivision (d) of Section 21508.*

~~(2)The plan shall be effective 30 days after it is filed with the county elections official.~~

(3)*(2)* The plan shall be subject to referendum in the same manner as ordinances.

(4)*(3)* The commission shall issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in subdivisions (a) and (b).

SEC. 8.
Amends Elections Code 21552.

(a) The commission shall establish single-member supervisorial districts for the board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) *(A)* Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or is allowable by law.

(B) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(C) Notwithstanding subparagraph (B), an incarcerated person, as that term is used in Section 21003, shall not be counted towards the county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(2) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where it does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

(b) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.

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(c) (1) The commission shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) *(A)* Before the commission draws a map, the commission shall conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

(B) In the event any state or local health order prohibits large gatherings, the commission may modify the location of the hearings, including use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. If the commission modifies the location of a hearing, it shall provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. The commission shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include, but are not limited to, setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.

(3) After the commission draws a draft map, the commission shall do both of the following:

(A) Post the map for public comment on the internet website of the County of San Diego.

(B) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

(4) (A) The commission shall establish and make available to the public a calendar of all public hearings described in paragraphs (2) and (3). Hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

(B) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in paragraphs (2) and (3) at least seven days before the hearings. The agenda for a meeting required by paragraph (3) shall include a copy of the draft map.

(5) (A) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 24 hours before the hearing.

(B) For purposes of this paragraph, an "applicable language" means a language for which the number of residents of the County of San Diego who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

(6) The commission shall take steps to encourage county residents to participate in the redistricting public review process. These steps may include:

(A) Providing information through media, social media, and public service

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announcements.

(B) Coordinating with community organizations.

(C) Posting information on the internet website of the County of San Diego that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the commission.

(7) The board shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the commission members.

(8) The board shall provide for reasonable funding and staffing for the commission.

(9) All records of the commission relating to redistricting, and all data considered by the commission in drawing a draft map or the final map, are public records.

(d) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the Clerk of the Board of Supervisors before August 15 of the year following the year in which each decennial federal census is taken. *by the map adoption deadline set forth in subdivision (a) of Section 21501. The commission shall not release a draft map before the date set forth in paragraph (3) of subdivision (d) of Section 21508.*

(2)The plan shall be effective 30 days after it is filed with the Clerk of the Board of Supervisors.

(3)*(2)* The plan shall be subject to referendum in the same manner as ordinances.

(3) The commission shall issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in subdivisions (a) and (b).

SEC. 9.
Amends Elections Code 21600.

(a) This article applies only to general law cities electing *to a general law city that elects* members of the *city's* legislative body by districts or from districts, as defined in Section 34871 of the Government Code.

(b) This article shall not be interpreted to limit the discretionary remedial authority of any federal or state court.

SEC. 10.
Amends Elections Code 21601.

(a) Following each decennial federal census, and using that census as a basis, *a city's decision to elect its council using district-based elections, or following each federal decennial census for a city whose council is already elected using district-based elections,* the council shall, by ordinance or resolution, adopt

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boundaries for ~~any or~~ all of the council districts of the city so that the council districts shall be substantially equal in population as required by the United States Constitution.

(1) Population equality shall be based on the total population of residents of the city as determined by ~~that census.~~ *the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.*

(2) Notwithstanding paragraph (1), an incarcerated person as that term is used in Section 21003, shall not be counted ~~as part of~~ *towards* a city's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the city, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(b) The council shall adopt council district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).

(c) The council shall adopt district boundaries using the following criteria as set forth in the following order of priority:

(1) To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

(2) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

(3) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.

(4) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

(d) The council shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.

SEC. 11.
Amends Elections Code 21602.
~~The boundaries of the council districts shall be adopted by the council no earlier than August 1, 2021, and August 1 in each year ending in the number one thereafter,~~

~~but not later than 151 days before the city's next regular election occurring after March 1, 2022, and after March 1 in each year ending in the number two thereafter. However, this section does not prohibit the council from holding public hearings or workshops on the placement of council district boundaries before August 1.~~

(a) (1) For redistricting occurring in 2031 and thereafter, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city's next regular election occurring after January 1 in each year ending in the number two.

(2) For redistricting occurring before 2031 and where a city has a regular election occurring after January 1, 2022, and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 174 days before that election.

(3) For redistricting occurring before 2031 and where a city does not have a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city's next regular election occurring on or after July 1, 2022.

(b) This section does not apply when a city transitions from at-large to district-based elections.

SEC. 12.
Amends Elections Code 21605.

(a) After redistricting or districting pursuant to Section 21601 or 21603, a council shall not adopt new council district boundaries until after the next federal decennial census, except under the following circumstances:

(1) A court orders the council to redistrict.

(2) The council is settling a legal claim that its council district boundaries violate the United States Constitution, the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), or this article.

(3) The boundaries of the city ~~expand by the addition of new territory pursuant to Section 21603.~~ *change by the addition of territory pursuant to Section 21603 or by the subtraction of territory.*

(b) This section does not prohibit a council from adopting council districts between federal decennial censuses if the council is adopting council districts for the first time, including when a city adopts council districts for the purpose of transitioning from electing its council members in at-large elections to elections by districts or from districts.

SEC. 13.
Amends Elections Code 21606.

(a) The term of office of any council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the council member was elected.

(b) At the first election for council members in each city following adoption

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of the boundaries of council districts, *excluding a special election to fill a vacancy or a recall election,* a council member shall be elected for each district under the new district plan that has the same district number as a district whose incumbent's term is due to expire. *This subdivision does not apply when a city transitions from at-large to district-based elections.*

(c)The successor to the office in a council district for which the boundaries have been changed shall be a resident and voter of that council district.

(c) Except as provided in subdivision (a), a person is not eligible to hold office as a member of a city council unless that person meets the requirements of Section 201 of the Elections Code and Section 34882 of the Government Code.

SEC. 14.
Amends Elections Code 21607.
Before adopting the boundaries of a council district pursuant to Section 21601, 21603, or 21604, *21601 or 21603,* or for any other reason, the council shall hold public hearings on the proposal in accordance with Section 21607.1. This section does not apply when a city transitions from at-large to district-based elections.

SEC. 15.
Amends Elections Code 21608.
(a) The council shall take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. A good faith effort satisfies the requirements of this subdivision. These steps shall include *a good faith effort to do all of* the following:

(1) Providing information to media organizations that provide city news coverage, including media organizations that serve language minority communities.

(2) Providing information through good government, civil rights, civic engagement, or *and* community groups or organizations that are active in the city, including those active in language minority communities, or *and those* that have requested to be notified concerning city redistricting.

(b) The council shall arrange for the live translation *in an applicable language* of a public hearing or workshop held pursuant to this article in an applicable language if a request for translation is made at least 72 hours before the hearing or workshop, unless less than five days' notice are provided for the hearing or workshop, in which case the request shall be made at least 48 hours before the hearing or workshop.

(c) Notwithstanding Section 54954.2 of the Government Code, the council shall publish the date, time, and location for any public hearing or workshop on the internet at least five days before the hearing or workshop. However, if there are fewer than 179 days until the city's next regular election, *28 days until the deadline to adopt boundaries,* the council may publish the agenda on the internet for at least three days before the hearing or workshop.

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(d) (1) A draft map shall be published on the internet for at least seven days before being adopted as a final map by the council provided that, if there are fewer than ~~179 days until the city's next regular election,~~ *28 days until the deadline to adopt boundaries,* the draft map may instead be published on the internet for at least three days.

(2) Each draft map prepared by a member of the council or by employees *or contractors* of the city shall be accompanied by information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed council district, to the extent the city has that data.

(3) (A) The council and employees or contractors of the city shall not release draft maps of council districts earlier than three weeks after the block-level redistricting database required by subdivision (b) of Section 8253 of the Government Code is first made publicly available. This subparagraph does not prohibit the council from holding public hearings or workshops on the placement of council district boundaries before the earliest date that draft maps of council districts may be released.

(B) If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 90 days and more than 59 days, the waiting period required by subparagraph (A) is reduced to one week. If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 60 days, then the waiting period required by subparagraph (A) is waived.

(e) The council shall allow the public to submit testimony or draft maps in writing and electronically.

(f) The city shall either record or prepare a written summary of each public comment and council deliberation made at every public hearing or workshop held pursuant to this article. The city shall make the recording or written summary available to the public within two weeks after the public hearing or workshop.

(g) The council shall establish, and maintain for at least 10 years after the adoption of new council district boundaries, an internet web page dedicated to redistricting. The web page may be hosted on the city's existing internet website or another internet website maintained by the city. The web page shall include, or link to, all of the following information:

(1) A general explanation of the redistricting process for the city in English and ~~any applicable language.~~ *applicable languages.*

(2) The procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the council in English and any applicable language.

(3) A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop satisfies the notice required by subdivision (c).

(4) The notice and agenda for each public hearing and workshop.

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(5) The recording or written summary of each public hearing and workshop.

(6) Each draft map considered by the council at a public hearing.

(7) The adopted final map of council district boundaries.

(h) For purposes of this section, "applicable language" means any language that is spoken by a group of city residents with limited English proficiency who constitute 3 percent or more of the city's total population over four years of age for whom language can be determined. Before January 1, 2021, and before January 1 in every year ending in the number one thereafter, the Secretary of State shall post the applicable languages for each city in a conspicuous location on the Secretary of State's internet website. To determine the applicable languages for each city, in 2020 and in each year ending in the number zero thereafter, the Secretary of State, in consultation with the Statewide Database, shall request a special tabulation from the United States Bureau of the Census of the most recent data on limited English proficiency from the bureau's American Community Survey that satisfies this subdivision. If the bureau is unable to produce that data, the Secretary of State shall base the Secretary of State's determination on the table from the American Community Survey enumerating the number of residents with limited English proficiency that has the largest number of languages included, that is publicly available, and that was produced within the previous ten years.

(i) This section does not apply when a city transitions from at-large to district-based elections.

(j) Before January 1, 2021, and before January in each year ending in the number one thereafter, the Secretary of State shall publish on the internet a template explaining the city redistricting process that meets the requirements of paragraphs (1) and (2), inclusive, of subdivision (g). The Secretary of State shall publish the template in all of the languages into which ballots are required to be translated in the state pursuant to subdivision (h). The template shall be published in the same conspicuous location on the Secretary of State's internet website that is described in subdivision (h).

SEC. 16.
Amends Elections Code 21609.

(a) If the council does not adopt council district boundaries by the deadlines set forth in Section ~~21602 or subdivision (a) or (b) of Section 21604~~, _21602,_ the council shall immediately petition the superior court in the county in which the city is located for an order adopting council district boundaries. If the council does not petition the superior court within five days after the deadline, any resident of the city may file that petition and shall be entitled to recover the resident's reasonable attorney's fees and costs from the city for doing so.

(b) (1) Upon finding that a petition filed pursuant t~~o this~~ subdivision _(a)_ is valid, the superior court shall adopt council district boundaries in accordance with the criteria set forth in Section 21601, which shall be used in the city's next regular

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election. The superior court may also order the adjustment of electoral deadlines as necessary to implement the new council district boundaries in the next regular election.

(2) The superior court may appoint a special master to assist the court with adopting the council district boundaries. The city shall pay the cost for the special master and associated costs.

(3) The superior court or the special master shall hold one or more public hearings before the superior court adopts the council district boundaries.

(4) Subject to the approval of the superior court, the special master may employ redistricting experts or other consultants or counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist them in their work. In addition, the special master may seek the full cooperation of the city in producing and using whatever data, computer models and programs, and technical assistance that was made available to the council and city personnel who are knowledgeable in the mechanics of drafting redistricting legislation. The superior court may assist the special master in securing the necessary personnel and the physical facilities required for their work, and to prepare for the prompt submission to the city of a request for city funding for the necessary expenses of the special master and the special master's staff.

(5) The council district boundaries adopted by the superior court shall be immediately effective in the same manner as if the court's order were an enacted resolution or ordinance of the city council.

SEC. 17.
Amends Elections code 21620.
(a) This article applies to ~~charter cities that elect~~ *a charter city that elects* members of the ~~charter~~ city's legislative body by districts or from districts, as defined in Section 34871 of the Government Code.
(b) This article shall not be interpreted to limit the discretionary remedial authority of any federal or state court.

SEC. 18.
Amends Elections Code 21621.
(a) Following ~~each federal decennial census, and using that census as a basis~~, *a city's decision to elect its council using district-based elections, or following each federal decennial census for a city whose council is already elected using district-based elections,* the council shall, by ordinance or resolution, adopt boundaries for all of the council districts of the city so that the council districts shall be substantially equal in population as required by the United States Constitution.

(1) Population equality shall be based on the total population of residents of the city as determined by the ~~census.~~ *most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.*

(2) Notwithstanding paragraph (1), an incarcerated person, as that

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term is used in Section 21003, shall not be counted towards a city's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the city, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(b) The council shall adopt council district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).

(c) The council shall adopt district boundaries using the following criteria as set forth in the following order of priority:

(1) To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

(2) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

(3) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.

(4) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

(d) The council shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.

(e) Subdivision (c) does not apply to a charter city that has adopted comprehensive or exclusive redistricting criteria in its city charter. For purposes of this subdivision, "comprehensive or exclusive" means either that the city's charter excludes consideration of redistricting criteria other than those that are identified in the city charter or that the city's charter provides two or more traditional criteria for redistricting other than the requirement that districts be equal in population.

SEC. 19.

Amends Elections Code 21622.

~~(a)The boundaries of the council districts shall be adopted by the council no earlier than August 1, 2021, and August 1 in each year ending in the number one thereafter, but no later than 151 days before the city's next regular election occurring after March 1, 2022, and after March 1 in each year ending in the number~~

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~~two thereafter. However, this subdivision does not prohibit the council from holding public hearings or workshops on the placement of council district boundaries before August 1.~~

(a) (1) For redistricting occurring in 2031 and thereafter, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city's next regular election occurring after January 1 in each year ending in the number two.

(2) For redistricting occurring before 2031 and where a city has a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 174 days before that election. For cities that charge candidates a filing fee, notwithstanding subdivision (b) of Section 8106, the forms required under that subdivision shall not be made available until at least 28 days after the adoption of a final map. The elections official shall reduce the required number of signatures for the in-lieu-filing-fee petition, as specified in subdivision (a) of Section 8106, by the same proportion as the reduction in time for the candidate to collect signatures.

(3) For redistricting occurring before 2031 and where a city does not have a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city's next regular election occurring on or after July 1, 2022.

(b) This section does not apply to a charter city that has adopted a different redistricting deadline by ordinance or in its city ~~charter before October 1, 2021, and October 1 of each year ending in the number one thereafter.~~ *charter.*

(c) This section does not apply when a city transitions from at-large to district-based elections.

SEC. 20.
Amends Elections Code 21623.

(a) If the boundaries of a city expand by the addition of new territory, including through annexation of unincorporated territory or consolidation with another city, the council shall add that new territory to the nearest existing council district without changing the boundaries of other council district boundaries.

(b) Notwithstanding subdivision (a), the council may adopt new boundaries for each council district *under the circumstances described in subdivision (a)* if both of the following conditions are met:

(1) There are more than four years until the council is next required to redistrict pursuant to Section 21621.

(2) The population of the new territory being annexed or consolidated is greater than 25 percent of the city's population as determined by the most recent federal decennial census.

(c) This section does not apply to a charter city that has adopted, by ordinance or in its city charter, a different standard for adding new territory to existing council districts.

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SEC. 21.
Amends Elections Code 21625.
        (a) After redistricting or districting pursuant to Section 21621 or 21623, a council shall not adopt new council district boundaries until after the next federal decennial census, except under the following circumstances:
        (1) A court orders the council to redistrict.
        (2) The council is settling a legal claim that its council district boundaries violate the United States Constitution, the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), or this article.
        (3) The boundaries of the city ~~expand by the addition of new territory pursuant to Section 21623.~~ *change by the addition of territory pursuant to Section 21623 or by the subtraction of territory.*
        (b) This section does not prohibit a council from adopting council districts between federal decennial censuses if the council is adopting council districts for the first time, including when a city adopts council districts for the purpose of transitioning from electing its council members in at-large elections to elections by districts or from districts.
        (c) This section does not apply to a charter city that has adopted different rules for mid-cycle redistricting in its city charter.

SEC. 22.
Amends Elections Code 21626.
        (a) The term of office of any council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the council member was elected.
        (b) At the first election for council members in each city following adoption of the boundaries of council districts, *excluding a special election to fill a vacancy or a recall election,* a council member shall be elected for each district under the new district plan that has the same district number as a district whose incumbent's term is due to expire. *This subdivision does not apply when a city transitions from at-large to district-based elections.*
        (c) For a city employing both a primary and a general election, a change in the boundaries of a council district shall not be made between the direct primary election and the general election.
        (c) *(d)*The successor to the office in a council district for which the boundaries have been changed shall be a resident and voter of that council district.
        (d) Except as provided in subdivision (a), a person is not eligible to hold office as a member of a city council unless that person meets the requirements of Section 201 of the Elections Code and Section 34882 of the Government Code.

SEC. 23.
Amends Elections Code 21627.
Before adopting the boundaries of a council district pursuant to Section ~~21621,~~

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21623, or 21624, *21621 or 21623,* or for any other reason, the council shall hold public hearings on the proposal, *proposal* in accordance with Section 21627.1. This section does not apply when a city transitions from at-large to district-based elections.

SEC. 24.
Amends Elections Code 21627.1.

(a) Before adopting a final map, the council shall hold at least four public hearings at which the public is invited to provide input regarding the composition of one or more council districts.

(1) At least one public hearing shall be held before the council draws a draft map or maps of the proposed council boundaries.

(2) At least two public hearings shall be held after the council has drawn a draft map or maps of the proposed council boundaries.

(b) At least one public hearing or public workshop shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday.

(c) Public hearing buildings shall be accessible to persons with disabilities.

(d) If a public hearing is consolidated with a regular or special meeting of the council that includes other substantive agenda items, the public hearing shall begin at a fixed time regardless of its order on the agenda, except that the council may first conclude any item being discussed or acted upon, including any associated public comment, when that time occurs. The time of the public hearing shall be noticed to the public.

(e) The council may have city staff or a consultant conduct one or more public workshops in lieu of holding one of the public hearings required by paragraph (1) of subdivision (a).

(f) The council may establish an advisory redistricting commission pursuant to Section 23002 body *redistricting commission* to hold the public hearings required by paragraph (1) of subdivision (a).

SEC. 25.
Amends Elections Code 21628.

(a) The council shall take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. These steps shall include a good faith effort to do all of the following:

(1) Providing information to media organizations that provide city news coverage, including media organizations that serve language minority communities.

(2) Providing information through good government, civil rights, civic engagement, or *and* community groups or organizations that are active in the city, including those active in language minority communities, or *and those* that have requested to be notified concerning city redistricting.

(b) The council shall arrange for the live translation *in an applicable*

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language of a public hearing or workshop held pursuant to this article ~~in an applicable language~~ if a request for translation is made at least 72 hours before the hearing or workshop, unless less than five days' notice are provided for the hearing or workshop, in which case the request shall be made at least 48 hours before the hearing or workshop.

(c) Notwithstanding Section 54954.2 of the Government Code, the council shall publish the date, time, and location for any public hearing or workshop on the internet at least five days before the hearing or workshop. However, if there are fewer than ~~179 days until the city's next regular election,~~ *28 days until the deadline to adopt boundaries,* the council may publish the agenda on the internet for at least three days before the hearing or workshop.

(d) (1) A draft map shall be published on the internet for at least seven days before being adopted as a final map by the council provided that, if there are fewer than ~~179 days until the city's next regular election,~~ *28 days until the deadline to adopt boundaries,* the draft map may instead be published on the internet for at least three days.

(2) Each draft map prepared by a member of the council or by employees *or contractors* of the city shall be accompanied ~~with~~ *by* information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed council district, to the extent the city has that data.

(3) (A) The council and employees or contractors of the city shall not release draft maps of council districts earlier than three weeks after the block-level redistricting database required by subdivision (b) of Section 8253 of the Government Code first is made publicly available. This subparagraph does not prohibit the council from holding public hearings or workshops on the placement of council district boundaries before the earliest date that draft maps of council districts may be released.

(B) If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 90 days and more than 59 days, then the waiting period required by subparagraph (A) is reduced to one week. If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 60 days, then the waiting period required by subparagraph (A) is waived.

(e) The council shall allow the public to submit testimony or draft maps in writing and electronically.

(f) The city shall either record or prepare a written summary of each public comment and council deliberation made at every public hearing or workshop held pursuant to this article. The city shall make the recording or written summary available to the public within two weeks after the public hearing or workshop.

(g) The council shall establish, and maintain for at least 10 years after the adoption of new council district boundaries, an internet web page dedicated to redistricting. The web page may be hosted on the city's existing internet website or

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another internet website maintained by the city. The web page shall include, or link to, all of the following information:

  (1) A general explanation of the redistricting process for the city in English and ~~any applicable language.~~ *applicable languages.*

  (2) The procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the council in English and any applicable language.

  (3) A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop satisfies the notice required by subdivision (c).

  (4) The notice and agenda for each public hearing and workshop.

  (5) The recording or written summary of each public hearing and workshop.

  (6) Each draft map considered by the council at a public hearing.

  (7) The adopted final map of council district boundaries.

  (h) For purposes of this section, "applicable language" means any language that is spoken by a group of city residents with limited English proficiency who constitute 3 percent or more of the city's total population over four years of age for whom language can be determined. Before January 1, 2021, and before January 1 in every year ending in the number one thereafter, the Secretary of State shall post the applicable languages for each city in a conspicuous location on the Secretary of State's internet website. To determine the applicable languages for each city, in 2020 and in each year ending in the number zero thereafter, the Secretary of State, in consultation with the Statewide Database, shall request a special tabulation from the United States Bureau of the Census of the most recent data on limited English proficiency from the bureau's American Community Survey that satisfies this subdivision. If the bureau is unable to produce that data, the Secretary of State shall base the Secretary of State's determination on the table from the American Community Survey enumerating the number of residents with limited English proficiency that has the largest number of languages included, that is publicly available, and that was produced within the previous ten years.

  (i) This section does not apply when a city transitions from at-large to district-based elections.

  (j) Before January 1, 2021, and before January in each year ending in the number one thereafter, the Secretary of State shall publish on the internet a template explaining the city redistricting process that meets the requirements of paragraphs (1) and (2), inclusive, of subdivision (g). The Secretary of State shall publish the template in all of the languages into which ballots are required to be translated in the state pursuant to subdivision (h). The template shall be published in the same conspicuous location on the Secretary of State's internet website that is described in subdivision (h).

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SEC. 26.
Amends Elections Code 21629.

(a) If the council does not adopt council district boundaries by the deadlines set forth in Section ~~21622 or subdivision (a) or (b) of Section 21624,~~ *21622,* the council shall immediately petition the superior court in the county in which the city is located for an order adopting council district boundaries. If the council does not petition the superior court within five days after the deadline, any resident of the city may file that petition and shall be entitled to recover the resident's reasonable attorney's fees and costs from the city for doing so.

(b) (1) Upon finding that a petition filed pursuant to ~~this~~ subdivision *(a)* is valid, the superior court shall adopt council district boundaries in accordance with the criteria set forth in Section 21621, which shall be used in the city's next regular election. The superior court may also order the adjustment of electoral deadlines as necessary to implement the new council district boundaries in the next regular election.

(2) The superior court may appoint a special master to assist the court with adopting the council district boundaries. The city shall pay the cost for the special master and associated costs.

(3) The superior court or the special master shall hold one or more public hearings before the superior court adopts the council district boundaries.

(4) Subject to the approval of the superior court, the special master may employ redistricting experts or other consultants or counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist them in their work. In addition, the special master may seek the full cooperation of the city in producing and using whatever data, computer models and programs, and technical assistance that was made available to the council and city personnel who are knowledgeable in the mechanics of drafting redistricting legislation. The superior court may assist the special master in securing the necessary personnel and the physical facilities required for their work, and to prepare for the prompt submission to the city of a request for city funding for the necessary expenses of the special master and the special master's staff.

(5) The council district boundaries adopted by the superior court shall be immediately effective in the same manner as if the court's order were an enacted resolution or ordinance of the city council.

(c) This section does not apply to a charter city that has adopted in its city charter a different method for adopting city council district boundaries when a redistricting deadline is missed.

SEC. 27.
Adds Elections Code 21630.

If a council assigns the responsibility to recommend or to adopt new district boundaries to a hybrid or independent redistricting commission as defined in Section 23000, the charter city remains subject to the redistricting deadlines,

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requirements, and restrictions that apply to the council under this article, unless otherwise exempted by law. A redistricting commission described in this section may perform the duties required of a city council under this article.

SEC. 28.
Amends Elections Code 23000.
For purposes of this chapter, the following terms have the following meanings:

(a) "Advisory redistricting commission" means a body that recommends to a legislative body placement of the district boundaries for that legislative body.

(b) "Family member" means a spouse, parent, sibling, child, or in-law.

(c) "Hybrid redistricting commission" means a body that recommends to a legislative body two or more maps for the placement of the district boundaries for that legislative body, where the legislative body must adopt one of those maps without modification, except as may be required to comply with state or federal law.

(d) "Independent redistricting commission" means a body, other than a legislative body, that is empowered to adopt the district boundaries of a legislative body.

(e) "Legislative body" means a county board of supervisors, a city council of a general law city, a governing board of a school district, a governing board of a community college district, or an elected governing board of a special district.

(f) "Local jurisdiction" means a county, general law city, school district, community college district, or special district. *"Local jurisdiction" does not include a charter city.*

(g) "Redistricting" means either districting or redistricting.

(h) "Spouse" means a spouse or registered domestic partner.

SEC. 29.
This act and Division 21 (commencing with Section 21000) of the Elections Code shall not be construed as limiting the ability of a charter city to create an advisory, hybrid, or independent redistricting commission. The amendment of Section 23000 of, and the addition of Section 21630 to, the Elections Code made by this act do not constitute a change in, but are declaratory of, existing law.

SEC. 30.
The amendment of Sections 21500 and 21601, and subdivision (a) of Section 21621, of the Elections Code made by this act do not constitute a change in, but are declaratory of, existing law.

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POLITICAL REFORM ACT OF 1974: ONLINE FILING AND DISCLOSURE SYSTEM

Assembly Bill 2151
Chapter 214

Current Provisions:

The Political Reform Act of 1974 requires the filing of specified statements, reports and other documents. Under the act, a local government agency may require these filings to be made online or electronically with the local filing officer, as specified. The act requires the local filing officer to make all data so filed available on the internet in an easily understood format that provides the greatest public access.

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.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act' s purposes upon a ⅔ vote of each house of the Legislature and compliance with specified procedural requirements.

New Provisions:

This bill would require a local government agency to post on its internet website, within 72 hours of the applicable filing deadline, a copy of any specified statement, report, or other document filed with that agency in paper format. This bill would require that the statement, report, or other document be made available for four years from the date of the election associated with the filing. By imposing a new duty on local government agencies, this bill would impose a state-mandated local program.

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 the statutory provisions noted above.

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SECTIONS AFFECTED:

AB 2151

SECTION 1.
Adds to Government Code 84616.

(a) Within 72 hours of each applicable filing deadline, a local government agency shall post on its internet website a copy of any statement, report, or other document required by Chapter 4 (commencing with Section 84100) that is filed with that agency in paper format. If the final day of the 72-hour period is a Saturday, Sunday, or holiday, the period is extended to the next day that is not a Saturday, Sunday, or holiday. Before posting, the local filing officer shall redact the street name and building number of the persons or entity representatives listed on any statement, report, or document, or any bank account number required to be disclosed by the filer. Providing a link on the agency's internet website to the statement, report, or other document satisfies this subdivision.

(b) A statement, report, or other document posted pursuant to this section shall be made available for four years from the date of the election associated with the filing.

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

SEC. 3.
The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.

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AB 2314

NATIVE AMERICAN VOTING ACCESSIBILITY ADVISORY COMMITTEE

Assembly Bill 2314
Chapter 169.

Current Provisions:

Existing law designates the Secretary of State as the chief elections officer of the state and requires the Secretary of State to make reasonable efforts to promote voter registration and encourage eligible voters to vote.

New Provisions:

This bill would require the Secretary of State to establish a Native American Voting Accessibility Advisory Committee. The committee would include the Secretary of State, the Secretary of State's designees, and additional members appointed by the Secretary of State who have demonstrated experience with voting rights or are county elections officials. The committee would serve in an advisory capacity to the Secretary of State and would make specified recommendations and take other actions to make voting more accessible to Native American voters.

SECTIONS AFFECTED:

SECTION 1.
CHAPTER 9.
Adds Elections Code 2700.
        (a) The Secretary of State shall establish a Native American Voting Accessibility Advisory Committee. The Secretary of State shall consult with the committee to consider the committee's recommendations related to improving the accessibility of elections for Native American voters. The Secretary of State may implement the committee's recommendations as appropriate.
        (b) The committee shall consist of the Secretary of State, the Secretary of State's designees, and additional members appointed by the Secretary of State. The appointees shall have demonstrated experience with voting rights or be a county elections official.
        (c) The committee shall serve in an advisory capacity to the Secretary of State and shall do all of the following:

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(1) Establish guidelines for reaching as many Native American voters as practical.

(2) Make recommendations for improving the availability and accessibility of election materials, including, but not limited to, state voter information guides, county voter information guides, and vote-by-mail ballots, and their delivery in print or alternative formats to Native American voters.

(3) Make recommendations for the distribution of public service announcements identifying the availability of election materials for Native American voters with at least 45 days before any federal, state, and local election.

(4) Promote to Native American voters the Secretary of State's toll-free voter registration telephone line for citizens needing voter registration information.

(5) Make recommendations for providing Native American voters with information regarding voter registration and voting processes, the voting process, and voting rights.

(6) Make recommendations to improve the recruitment of Native American poll workers.

(7) Establish subcommittees to further the scope and purposes of the committee as they relate to improving voter services and access for Native American voters.

(8) Make recommendations for providing information and services to Native American voters regarding language assistance.

(9) Promote the use of plain language and alternative formats for election materials distributed to Native American voters.

(10) Make recommendations for materials to train poll workers on issues related to serving Native American voters.

(d) A member shall not receive compensation, but each member shall be reimbursed for the member's reasonable and necessary expenses in connection with service on the committee.

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ELECTION RESULTS: RISK-LIMITING AUDITS

Assembly Bill 2400
Chapter 33

Current Provisions:

Existing law requires an elections official, during the official canvass of an election in which a voting system is used, to conduct a public manual tally of the ballots cast in 1% of the precincts chosen at random by the elections official, as specified. Existing law, operative until January 1, 2021, authorizes the use of risk-limiting audits in lieu of this 1% manual tally beginning with the March 3, 2020, statewide primary election. Under this law, a participating county is required to perform a partial risk-limiting audit of each cross-jurisdictional contest.

New Provisions:

This bill would extend the authority to use risk-limiting audits until January 1, 2023. The bill would authorize a county to choose to perform the risk-limiting audit in only some of the contests within the county. The bill would remove the requirement to perform a partial risk-limiting audit of each cross-jurisdictional contest.

SECTIONS AFFECTED:

SECTION 1.
Amends Elections Code 15365.
The purpose of this article is to provide elections officials with a method to conduct a comprehensive verification of election outcomes through the post-election audit process. This article shall remain in effect only until January 1, ~~2021,~~ *2023,* and as of that date is repealed.

SEC. 2.
Amends Elections Code 1536.
As used in this article, the following terms have the following meanings:
        (a) "Ballot" means original, voter-verifiable paper ballots, including voter-marked paper ballots whether marked manually or via a ballot marking device or system, and, where direct recording electronic (DRE) voting systems are used, the voter-verifiable paper audit trail (VVPAT). It does not mean electronic

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AB 2400

versions of ballots, digital images of ballots, or paper printouts of ballot images or digital cast vote records.

(b) "Ballot-level comparison audit" means a type of risk-limiting audit that involves both of the following steps:

(1) The elections official uses an independent system to verify that the cast vote records created by the voting system or ballots created independent from the tally or ballot marking system yield the same election results as those reported by the voting system.

(2) The elections official compares some or all of those cast vote records to a hand-to-eye, human interpretation of voter markings from the corresponding ballot marked by the voter or the voter verified paper audit trail, as defined by Section 19271.

(c) "Ballot polling audit" means a type of risk-limiting audit in which elections officials examine voter markings on randomly selected ballots seeking strong evidence that the reported tabulation outcome is correct.

(d) "Cast vote record" means an auditable document or electronic record that purports to reflect the selections a voter made on a ballot. It lists the contests on the ballot and the voter's selections in each of those contests.

(e)"Cross-jurisdictional contest" means an election contest in which ballots were cast in more than one county.

(f)*(e)* "Electoral outcome" means the winner or winners of an election contest or whether a measure passed. It does not mean the numerical vote totals.

(g)(1)"Partial risk-limiting audit" of a cross-jurisdictional contest in a given county means any procedure that has at least a 95 percent chance of leading to a full manual tally of the votes in that contest on the ballots cast in that county if the electoral outcome is incorrect in part in that county. If a partial risk-limiting audit leads to such a full manual tally, the vote totals according to that manual tally shall replace the originally reported vote totals for that contest in that county.

(2)An electoral outcome of a cross-jurisdictional contest is incorrect in part in a given county if the tabulation error for that contest in the county, extrapolated in proportion to the number of ballots in the contest cast in that county compared to the total number of ballots cast in the entire contest, would alter the overall electoral outcome of the contest.

(3)The tabulation error of a contest in a county is the difference between the reported vote tally for the contest in that county and what a tally based on manual tally of the votes cast in that county would show, if the manual tally ascertains voter intent by eye, directly from the voter-verifiable paper records.

(h)*(f)* "Risk-limiting audit" means a post-election process that involves hand-to-eye, human inspection of ballots in such a manner that if a full manual tally of all the ballots cast in the contest would show different outcomes than the results reported by the voting system, there is at most a five percent chance that

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the post-election process will not lead to such a full manual tally. If this post-election process does lead to a full manual tally, the winner or winners according to that full manual tally replace the winner or winners as reported by the voting system if they differ.

SEC. 3.
Amends Elections Code 15367.

 (a) (1) Commencing with the statewide primary *general* election held on March 3, *November* 5, *3,* 2020, the elections official conducting an election may conduct a risk-limiting audit in place of the one percent manual tally required by Section 15360 during the official canvass of any election in accordance with the requirements of this article.

(2) Participating counties shall conduct a risk-limiting audit on each contest *one or more contests* fully contained within the county's borders, and partial risk-limiting audits for each cross-jurisdictional contest. Commencement *borders. A participating county may exclude any contest that has been subject to a risk-limiting audit from the one-percent manual tally required by Section 15360.*

(3) Commencement of the audit and selection of ballots for the audit shall not occur before the reporting of the results to which the contests are being audited. The Secretary of State shall define in regulations how all ballots, including provisional ballots and vote by mail ballots whose status has not yet been resolved, shall be taken into account in the audit to ensure that if a full manual tally of the votes on all validly cast ballots would show an electoral outcome that differs from the reported outcome, there is at most a five percent chance that the audit will not require such a tally.

(3)*(4)* An elections official is in compliance with this section if the elections official conducts a ballot-level comparison audit, or ballot polling audit, with a five percent risk limit or a risk-limiting audit with a five percent risk limit using another method for conducting risk-limiting audits as approved by the Secretary of State.

(b) (1) The Secretary of State, in consultation with recognized statistical experts, election verification and integrity stakeholders, voting system manufacturers, and local elections officials, shall adopt regulations to implement and administer this article.

(2) The regulations shall do all of the following:

(A) Require elections officials to establish appropriate audit boards and procedures to conduct the risk-limiting audits.

(B) Establish criteria for public education on risk-limiting audits.

(C) Establish procedures to ensure the security of the ballots, the selection of ballots to be inspected during each audit, and the rules governing cast vote records and other data involved in risk-limiting audits.

(D) Establish the calculations and other methods to be used in the audit

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to determine whether or when the audit of any contest is required to include the examination of more ballots, and to establish calculations and methods to be used in such an escalation, and to determine whether and when the audit of each contest is complete.

  (E) Establish procedures and requirements for testing and disclosing the algorithms and source code of any software used by the Secretary of State for the selection of ballots to be included when elections officials conduct risk-limiting audits under this article.

  (F) Establish requirements for the content of the risk-limiting audit report required by subdivision (d).

  (G) Establish procedures and requirements to ensure the audit process is observable and verifiable by the public, including disclosing the methods used to select samples and to calculate the risk, providing public opportunity to verify that the correct ballots were inspected during the audit, and providing public opportunity to observe the inspection of the voters' marks on the ballots during the audit.

  (c) The risk-limiting audit shall be a public and observable process, with the elections official providing at least a five-day public notice of the time and place of both the risk-limiting audit and the selection of the ballots to be used when conducting the risk-limiting audit.

  (d) The elections official conducting the risk-limiting audit shall publish a report on the results of the risk-limiting audit in the certification of the official canvass of the vote.

SEC. 4.
This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure elections officials have the flexibility they need to effectively administer the November ~~5,~~ *3,* 2020, statewide *general* election, it is necessary for this act to take effect immediately.

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AB 3370

ELECTIONS OMNIBUS BILL

Assembly Bill 3370
Chapter 106

Current Provisions:

(1) Existing law governing primary elections prohibits a declaration of candidacy for membership on a county central committee unless the candidate has been affiliated with the political party of that committee for a specified time period. These provisions do not apply to the presidential primary, but do apply to other partisan offices. However, existing law defines "partisan office" to include only the offices of President of the United States, Vice President of the United States, and the delegates therefor, and elected members of party committees.

This bill would delete the provisions of law purporting to apply the candidacy restrictions to partisan offices.

(2) Existing law governing referendum of county ordinances requires a county board of supervisors to suspend and reconsider an ordinance if a petition protesting the adoption of the ordinance is presented to the board before the effective date of the ordinance and is signed by a specified number of voters of the county.

Existing Provisions:

This bill would require the petition to be submitted to the county elections official instead of the board of supervisors.

(3) Existing law permits any jurisdiction in which vote by mail ballots are cast to begin processing vote by mail ballot return envelopes 29 days before the election, and authorizes any jurisdiction having the necessary computer capability to start processing vote by mail ballots 10 business days before the election.

This bill would extend that authority to start processing vote by mail ballots to 15 business days before the election.

(4) This bill would also make technical, nonsubstantive changes to various other

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AB 3370

provisions of existing law relating to elections.

SECTIONS AFFECTED:

SECTION 1.
Amends Elections Code 7201.1.
~~(a)~~Notwithstanding any other provision of law, in the County of Sacramento, the elected members of the county central committee shall be elected by supervisor districts with six members elected from each supervisor district. Each member shall be a resident of the county and of the supervisor district that the member represents. Only a person who is a resident of the county may vote for a candidate for membership to the county central committee and may vote only for candidates seeking to represent the supervisor district in which the voter resides. ~~(b)Notwithstanding any other provision of law, for the June 5, 2012, statewide primary election, signers of nomination papers for candidates for the county central committee shall be voters who disclosed a preference, pursuant to Section 2151, for the Democratic Party and who are residents in the County of Sacramento, regardless of whether they are residents of the district in which the candidate is to be voted on.~~

SEC. 2.
Amends Elections Code 8001.
        (a) ~~No~~ _A_ declaration of candidacy for ~~a partisan office or for~~ membership on a county central committee shall _not_ be filed by a candidate unless (1) at the time of presentation of the declaration and continuously for not less than three months immediately prior to that time, or for as long as ~~he or she~~ _the candidate_ has been eligible to register to vote in the state, the candidate is shown by ~~his or her~~ _the candidate's_ affidavit of registration to ~~be affiliated with the political party the nomination of which he or she seeks~~, _have expressed a preference for the political party of that committee,_ and (2) the candidate has not been registered ~~as affiliated with~~ _with a preference for_ a qualified political party other than that political party ~~the nomination of which he or she seeks~~ within 12 ~~months, or, in the case of an election governed by Chapter 1 (commencing with Section 10700) of Part 6 of Division 10, within three months immediately prior to the filing of the declaration.~~ _months._
        (b) The elections official shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered ~~as intending to affiliate with~~ _with a preference for_ the political party ~~the nomination of which he or she seeks~~, _of that committee,_ and indicating that the candidate has not been ~~affiliated with~~ _registered with a preference for_ any other qualified political party for the period specified in subdivision (a) immediately preceding the filing of the declaration. This section does not apply to a declaration of candidacy filed by a candidate of a political party participating in its first direct primary election

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subsequent to its qualification as a political party pursuant to Section ~~5100 or by a candidate of a political party participating in its first presidential general election subsequent to its qualification as a political party pursuant to Section 5151.~~ *5100.*

(c) Notwithstanding subdivision (a), a county central committee, subject to the bylaws of the state central committee, may establish the length of time that a candidate for membership on that committee must be shown by ~~his or her~~ *the candidate's* affidavit of registration to ~~be affiliated with~~ *have expressed a preference for* the political party of that committee, and may establish the length of time that a candidate for membership on that committee must not have been registered ~~as affiliated with~~ *with a preference for* a qualified political party other than the political party of that committee.

SEC. 3.
Amends Elections Code 9144.
If a petition protesting the adoption of an ordinance is ~~presented to the board of supervisors prior to~~ *submitted to the county elections official before* the effective date of the ordinance, the ordinance shall be suspended and the *board of* supervisors shall reconsider the ordinance. The petition shall be signed by voters of the county equal in number to at least 10 percent of the entire vote cast within the county for all candidates for Governor at the last gubernatorial election.

~~SEC. 4.Section 15101 of the Elections Code is amended to read:~~
~~15101.(a)Any jurisdiction in which vote by mail ballots are cast may begin to process vote by mail ballot return envelopes beginning 29 days before the election. Processing vote by mail ballot return envelopes may include verifying the voter's signature on the vote by mail ballot return envelope pursuant to Section 3019 and updating voter history records.~~
~~(b)Any jurisdiction having the necessary computer capability may start to process vote by mail ballots on the 15th business day before the election. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, including processing write-in votes so that they can be tallied by the machine, but under no circumstances may a vote count be accessed or released until 8 p.m. on the day of the election. All other jurisdictions shall start to process vote by mail ballots at 5 p.m. on the day before the election.~~
~~(c)Results of any vote by mail ballot tabulation or count shall not be released before the close of the polls on the day of the election.~~

SEC. 4.
Amends Elections Code *15101.*
(a) Any jurisdiction in which vote by mail ballots are cast may begin to process vote by mail ballot return envelopes beginning 29 days before the

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election. Processing vote by mail ballot return envelopes may include verifying the voter's signature on the vote by mail ballot return envelope pursuant to Section 3019 and updating voter history records.

(b) (1) Any jurisdiction having the necessary computer capability may start to process vote by mail ballots on the ~~10th~~ *15th* business day before the election. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, including processing write-in votes so that they can be tallied by the machine, but under no circumstances may a vote count be accessed or released until 8 p.m. on the day of the election. All other jurisdictions shall start to process vote by mail ballots at 5 p.m. on the day before the election.

(2) For the statewide general election to be held on November 3, 2020, any jurisdiction having the necessary computer capability may start to process vote by mail ballots on the 29th day before the election. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, including processing write-in votes so that they can be tallied by the machine, but under no circumstances may a vote count be accessed or released until 8 p.m. on the day of the election. All other jurisdictions shall start to process vote by mail ballots at 5 p.m. on the day before the election.

(c) Results of any vote by mail ballot tabulation or count shall not be released before the close of the polls on the day of the election.

SEC. 5.
Amends Elections Code 18104.
~~Any~~ *An* individual or organization having charge of affidavits of registration is guilty of a misdemeanor who knowingly neglects or refuses to return affidavits of registration as provided in Article 3 (commencing with Section ~~2135)~~ *2138)* of Chapter 2 of Division 2. The county elections official shall report to the district attorney of the county, under oath, the names of ~~any~~ *all* individuals or organizations who have failed to return the affidavits. The district attorney shall take appropriate civil or criminal action.

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SB 207

ELECTIONS: VOTER REGISTRATION: PARTISAN PRIMARY ELECTIONS

Senate Bill 207
Chapter 1

Current Provisions
Existing law requires a county election official to accept affidavits of registration received on or before the 15th day before an election and to accept conditional voter registration affidavits received during the 14 days immediately preceding an election and on election day. Existing law establishes procedures for a voter to change the voter's residence address by executing a new affidavit of registration or a notice or letter of the change of address, or for a voter to change the voter's political party preference by executing a new affidavit of registration.

New Provisions
This bill would permit a voter, from the 14th day immediately preceding an election until the close of polls on election day, in lieu of executing a new affidavit of registration, to change the voter's residence address or political party preference by submitting to the voter's county elections official a written request containing the new residence address or political party preference and signed under penalty of perjury. The bill would require a ballot or provisional ballot to be provided to the voter, as specified, and would require that the registration of the voter be immediately updated.

SECTIONS AFFECTED:

SECTION 1.
Adds Elections Code 2119.5.
(a) From the 14th day immediately preceding an election until the close of polls on election day, in lieu of executing a new affidavit of registration for a change of address within the same county, the county elections official shall accept a written request by a voter that contains all of the following:
(1) The voter's printed name.
(2) The voter's former residence address.
(3) The voter's new residence address.
(4) A certification by the voter of the content of the written request as to its truthfulness and correctness, under penalty of perjury.
(5) The voter's signature and date of execution.

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(b) The written request shall be delivered to the county elections official's office or to any location that offers conditional voter registration and at which a ballot can be issued. Following delivery to such a location, the county elections official shall issue a ballot in accordance with the following:

(1) A nonprovisional ballot shall be issued to the voter if either of the following applies:

(A) The voter appears at the voter's precinct, the voter's name is found on the roster, and the voter either has not been issued a vote by mail ballot or the conditions set forth in subdivision (a) of Section 3015 are satisfied.

(B) The voter appears at a location that is equipped with an electronic poll book or other means to determine the voter's precinct, the location can provide the voter with a ballot for the voter's precinct, the entire county has established connectivity between locations, and the location at which the voter appears verifies that the voter has not cast a ballot at another location for the election and notes in the voter's record that the voter cast a ballot.

(2) A provisional ballot shall be issued to the voter if either of the following applies:

(A) The voter appears at the voter's precinct, the voter's name is found on the roster, the voter has been issued a vote by mail ballot, and the conditions set forth in subdivision (a) of Section 3015 are not satisfied.

(B) The voter appears at a location, other than the voter's precinct, that is equipped with an electronic poll book or other means to determine the voter's precinct, but the entire county has not established connectivity between locations such that the location is unable to verify that the voter has not cast a ballot at another location for the election.

(c) Upon receipt of a properly executed written request described in subdivision (a), the registration of the voter shall be immediately updated and the written request shall be maintained with the voter's record.

SEC. 2.
Amends Elections Code 2152.

(a) Whenever any voter has declined to disclose or has changed ~~his or her~~ *the voter's* party preference prior to the close of registration for an election, ~~he or she~~ *the voter* may either so disclose or have a change recorded by executing a new affidavit of registration and completing the prior registration portion of the affidavit.

(b) From the 14th day immediately preceding an election until the close of polls on election day, in lieu of executing a new affidavit of registration to disclose or have a change recorded for a voter's political party preference, the county elections official shall accept a written request by a voter that discloses or changes the voter's political party preference and that contains all of the following:

(1) The voter's printed name.

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(2) The voter's current residence address.

(3) The voter's new political party preference.

(4) A certification by the voter of the content of the written request as to its truthfulness and correctness, under penalty of perjury.

(5) The voter's signature and date of execution.

(c) The written request shall be delivered to the county elections official's office or to any location that offers conditional voter registration and at which a ballot for the political party for which the voter disclosed a preference can be issued. Following delivery to such a location, the county elections official shall issue a ballot in accordance with the following:

(1) A nonprovisional ballot shall be issued to the voter if either of the following applies:

(A) The voter appears at the voter's precinct, the voter's name is found on the roster, and the voter either has not been issued a vote by mail ballot or the conditions set forth in subdivision (a) of Section 3015 are satisfied.

(B) The voter appears at a location that is equipped with an electronic poll book or other means to determine the voter's precinct, the location can provide the voter with a ballot for the voter's precinct, the entire county has established connectivity between locations, and the location at which the voter appears verifies that the voter has not cast a ballot at another location for the election and notes in the voter's record that the voter cast a ballot.

(2) A provisional ballot shall be issued to the voter if either of the following applies:

(A) The voter appears at the voter's precinct, the voter's name is found on the roster, the voter has been issued a vote by mail ballot, and the conditions set forth in subdivision (a) of Section 3015 are not satisfied.

(B) The voter appears at a location, other than the voter's precinct, that is equipped with an electronic poll book or other means to determine the voter's precinct, but the entire county has not established connectivity between locations such that the location is unable to verify that the voter has not cast a ballot at another location for the election.

(d) Upon receipt of a properly executed written request described in subdivision (b), the registration of the voter shall be immediately updated and the written request shall be maintained with the voter's record.

SEC. 3.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California

Constitution.

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

SEC. 4.
This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that the procedures and protections afforded by this act will be implemented for the 2020 presidential primary election, it is necessary for this act to take effect immediately.

NOVEMBER 3, 2020, STATEWIDE GENERAL ELECTION

Senate Bill 423
Chapter 31

Current Provisions
Existing law authorizes counties, on or after specified dates, to conduct any election as an all-mailed ballot election if, among other conditions, the county elections official provides for ballot drop-off locations and vote centers meeting minimum requirements. Vote centers are required to be open from the 10th day before the election until election day, as specified.

In counties without all-mailed ballot procedures, existing law requires the elections official to divide the jurisdiction into precincts meeting certain requirements and to designate a polling place for each precinct.

New Provisions

This bill would authorize a county for the November 3, 2020, statewide general election to not have its vote centers open before the 3rd day prior to the election.

This bill would provide an alternative procedure for the November 3, 2020, statewide general election authorizing the elections official to establish consolidated

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precinct boards, located within the same physical polling place, serving the voters residing in multiple adjacent precincts, as provided.

For the November 3, 2020, statewide general election, the bill would also (1) require elections officials to conduct a voter education and outreach campaign, (2) urge counties to provide drive-through ballot drop-off or voting locations, (3) authorize elections officials to establish vote centers, polling places, or consolidated polling places in locations whose primary purpose is the sale and dispensation of alcoholic beverages, (4) require the Secretary of State to establish a process to consider requests from counties to adjust or partially waive the minimally required number, location, or operational duration, of vote centers, consolidated polling places, or ballot drop-off locations, (5) require the Secretary of State to conduct a statewide voter education and outreach campaign regarding new procedures in place for the election, and (6) require the Secretary of State to establish a strike team to assist counties as needed to acquire suitable locations for vote centers, polling places, and consolidated polling places as well as other assets necessary for the safe and successful conduct of the election.

SECTIONS AFFECTED:

SECTION 1.

(a) The Legislature finds and declares all of the following:

(1) To maintain a healthy democracy in California, it is important to encourage eligible voters to vote and to ensure that residents of the state have the tools needed to participate in every election.

(2) When California conducts the November 3, 2020, statewide general election, it is unknown to what degree the COVID-19 pandemic will still pose a threat to public health. The state and its counties need to begin taking action now to procure supplies and equipment, secure voting locations, enlist volunteers, and draw up plans, among other steps, to ensure that the November 3, 2020, statewide general election is held in a manner that is accessible, secure, and safe.

(3) To preserve public health in the face of the threat of COVID-19, and to ensure that the November election is accessible, secure, and safe, all Californians will be empowered to vote by mail, from the safety of their own homes, pursuant to Governor Newsom's Executive Order N-64-20, issued on May 8, 2020, and as proposed by Assembly Bill 860 of the 2019–20 Regular Session.

(4) However, many Californians will still need access to in-person voting opportunities, including, but not limited to, individuals with disabilities, individuals who speak languages other than English, individuals experiencing homelessness, individuals who never received their vote-by-mail ballot, lost or damaged their ballot, or need to register to vote, as well as others who may find vote-by-mail less accessible than in-person voting. We owe these Californians safe in-person voting opportunities this November.

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(b) It is the intent of the Legislature in enacting this act to do all of the following:

(1) To ensure that the November 3, 2020, statewide general election is conducted in a manner that protects and strengthens access for low-propensity voters and voters who have no history of voting by mail, first-time voters such as young voters and newly naturalized voters, housing insecure voters, and other voters who may be disproportionately impacted by the changes to election procedures that were necessitated by the COVID-19 pandemic.

(2) To ensure that safe, in-person voting opportunities are available this November in a manner that is consistent with public health guidance and requirements.

(3) To provide flexibility to counties in conducting the election in recognition of the challenges to election administration posed by the COVID-19 pandemic, while limiting changes to in-person voting opportunities to the minimum changes necessary to ensure that the election can be conducted in a manner consistent with public health requirements.

(4) To redirect any money that is saved from a reduction of in-person voting locations into voter education and outreach for the November 3, 2020, statewide general election.

SEC. 2.
CHAPTER 7.
Adds Elections Code 1600.
This chapter applies only to the November 3, 2020, statewide general election.

Adds Elections Code 1601.
Notwithstanding Sections 4005 and 4007, a county that conducts the November 3, 2020, statewide general election pursuant to either of those sections is not required to have its vote centers open before the third day prior to the election.

Adds Elections Code 1602.
(a) A county that does not conduct the November 3, 2020, statewide general election pursuant to either Section 4005 or 4007 may choose to follow the procedures described in this section as an alternative to procedures that would otherwise be applicable in that county.

(b) (1) While maintaining separate geographical precincts under the existing limits on number of voters provided in Section 12223, the elections official may establish consolidated precinct boards, located within the same physical polling place, serving the voters residing in multiple adjacent precincts established pursuant to Section 12223 at a maximum ratio of one consolidated precinct board location-for every 10,000 registered voters. These consolidated polling locations shall be open from Saturday, October 31, 2020, through Monday, November 2, 2020, for at least eight hours each day at regular hours convenient for members

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of the public. On the day of the election, the consolidated polling location shall be open from 7 a.m. to 8 p.m.

(2) In establishing the consolidated polling places, the elections official shall take into consideration the boundaries of state legislative, congressional, county supervisorial, and any other affected local legislative districts.

(3) The elections official shall ensure that the consolidated polling places are equitably distributed across the county to afford maximally convenient options for all voters and are established at accessible locations as near as possible to established public transportation routes. A consolidated polling place shall be located within the boundary of one of the precincts it serves.

(4) (A) The consolidated polling places shall be equipped with voting units or systems that are accessible to individuals with disabilities and provide the same opportunity for access and participation as is provided to voters who are not disabled, including the ability to vote privately and independently, in accordance with Sections 12280 and 19240. Each consolidated polling place shall have at least three voting machines that are accessible to voters with disabilities.

(B) The consolidated polling places shall comply with the accessibility requirements described in Article 5 (commencing with Section 12280) of Chapter 3 of Division 12, the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(5) The elections official shall provide each consolidated polling place with enough ballots, provisional ballots, and provisional ballot envelopes to ensure every voter can be accommodated, as necessary.

(c) (1) In a county with consolidated polling places as described in this section, the elections official shall provide at least two ballot drop-off locations within the county or at least one ballot drop-off location for every 15,000 registered voters, whichever results in more ballot drop-off locations. For purposes of this paragraph, a consolidated polling place that includes an exterior ballot drop box counts only as a single ballot drop-off location.

(2) A ballot drop-off location provided for under this subdivision consists of a secure, accessible, and locked ballot box located as near as possible to established public transportation routes and that is able to receive voted ballots. All ballot drop-off locations shall be open at least during regular business hours beginning not less than 28 days before the day of the election, and on the day of the election.

(3) At least one ballot drop-off location shall be an exterior drop box that is available for a minimum of 12 hours per day. Because health directives to prevent the spread of COVID-19 may result in reduced access to some buildings, counties are encouraged to maximize the number of ballot drop-off locations that are exterior drop boxes or that are located in buildings, such as supermarkets or drugstores, that are likely to be considered essential businesses that will remain open to the public notwithstanding any physical distancing measures that are in

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place during the period beginning 28 days before the date of the election and ending on election day.

(4) For the purposes of this section, "ballot drop-off location" has the same meaning as in Section 3025.

(d) (1) In a county with consolidated polling places as described in this section, the elections official shall provide at least one location, open at least during regular business hours beginning 28 days before the day of the election, at which a voter may do any of the following:

(A) Return, or vote and return, the voter's vote by mail ballot.

(B) Register to vote, update the voter's voter registration, and vote pursuant to Section 2170.

(C) Receive and vote a provisional ballot pursuant to Section 3016 or Article 5 (commencing with Section 14310) of Chapter 3 of Division 14.

(D) Receive a replacement ballot upon verification that a ballot for the same election has not been received from the voter by the county elections official. If the county elections official is unable to determine if a ballot for the same election has been received from the voter, the county elections official may issue a provisional ballot.

(E) Vote a regular, provisional, or replacement ballot using accessible voting equipment that provides for a private and independent voting experience.

(2) The elections official is urged to offer voters the ability to schedule an appointment to visit a location established pursuant to this subdivision.

(e) In determining the locations of consolidated polling places and ballot drop-off locations pursuant to this section, the county shall consider vote center and ballot drop-off location proximity to communities with historically low vote by mail usage. Counties shall also consider other criteria described in subparagraph (B) of paragraph (10) of subdivision (a) of Section 4005, to the extent data is readily available.

(f) Prior to finalizing the locations of consolidated polling places and ballot drop-off locations, the county elections official shall publicly notice in all legally required languages for that county the proposed consolidated polling place locations and ballot drop-off locations, shall post a copy of those locations on the elections official's internet website, and shall accept public comments on the proposed locations for at least 10 days after publicly noticing the proposed locations. Following the 10-day public comment period, the elections official shall consider any comments the official receives from the public, and shall adjust consolidated polling place and ballot drop-off locations in response to the public comments to the extent the official deems appropriate before finalizing the locations to be used as consolidated polling places and ballot drop-off locations.

Adds Elections Code 1603.

(a) Each county shall conduct a voter education and outreach campaign in all legally required languages for that county notifying voters about mail ballots,

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early voting opportunities, accessible voting options, and where and how to remedy any voting related problem.

(b) Each county is urged to provide drive-through ballot drop-off or voting locations. If a voter is waiting in a vehicle, the voter is considered "in line" for the purposes of keeping the polls open a sufficient time to enable them to vote pursuant to Section 14401.

(c) Notwithstanding Section 12288, an elections official may establish a vote center, polling place, or consolidated polling place in a location whose primary purpose is the sale and dispensation of alcoholic beverages.

Adds Elections Code 1604.

(a) (1) The Secretary of State shall establish a process to consider requests from counties to adjust or partially waive the minimally required number, location, or operational duration, of vote centers, consolidated polling places, or ballot drop-off locations described in Section 1602 or Sections 4005 and 4007. The process shall include, but not be limited to, review and modification, denial, or granting of a county's request in a timeframe to be determined by the Secretary of State. The Secretary of State shall not grant a county a complete waiver of the minimally required number, location, or operational duration, of vote centers, consolidated polling places, or ballot drop-off locations described in Section 1602 or Sections 4005 and 4007.

(2) (A) Prior to requesting a modification or partial waiver pursuant to paragraph (1), a county shall develop a draft plan that includes, but is not limited to, a written analysis of in-person voting needs in that county. The written analysis shall identify how the county's proposed levels of in-person voting are designed to safely accommodate the anticipated demand for voting services at those locations, including in-person voting, ballot replacement, ballot drop-off, conditional voter registration, language assistance, and voting assistance, shall report on efforts made to secure the otherwise required number of vote centers, consolidated polling places, and election personnel, and shall include a discussion of how the elections official will ensure that there will not be a disparate impact on any protected class of voters with regard to availability of voting machines and voting locations. In determining in-person voting locations that will be made available pursuant to the plan, the county shall consider the needs of individuals who do not have a history of voting by mail and other criteria described in subparagraph (B) of paragraph (10) of subdivision (a) of Section 4005, to the extent data is readily available.

(B) The county elections official shall publicly notice in all legally required languages for that county the draft plan required by subparagraph (A), shall post a copy of the draft plan in all legally required languages for that county on the elections official's internet website, and shall accept public comments on the draft plan for at least 10 days after publicly noticing the draft plan.

(C) Following the 10-day review period required by subparagraph (B), the elections official shall consider any public comments the official receives from the

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public, shall amend the draft plan in response to the public comments to the extent the official deems appropriate, and may adopt a final plan and submit that plan to the Secretary of State along with the request for a modification or partial waiver pursuant to paragraph (1). The elections official shall post the county's request for a modification or partial waiver on the elections official's internet website, and the Secretary of State shall post a copy of the secretary's response on the secretary's internet website.

(3) A partial waiver or modification shall not be granted to a county unless the elections official in that county can demonstrate all of the following:

(A) The official made best efforts to secure the required in-person voting locations.

(B) The plan will not have a negative disparate impact on disabled voters or any protected class of voters.

(C) The plan will not reduce in-person voting locations below a number of locations necessary to safely and efficiently accommodate the anticipated demand for in-person voting services.

(4) For the purposes of this subdivision, "protected class" means a class of voters who are members of a race, color, or language minority group, as this class is referenced and defined in the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).

(b) The Secretary of State shall conduct a statewide voter education and outreach campaign regarding new procedures in place for the November 3, 2020, statewide general election, including, but not limited to, procedures relating to voting by mail, newly consolidated polling places and services provided therein, available language assistance, voter registration, conditional voter registration and voting, and accessible vote by mail voting.

(c) The Secretary of State shall establish a strike team to assist counties as needed to acquire suitable locations for vote centers, polling places, and consolidated polling places as well as other assets necessary for the safe and successful conduct of the November 3, 2020, statewide general election. The strike team shall include members of the Secretary of State's legal and investigative divisions as well as Deputy Attorneys General provided for this purpose by the Department of Justice. The strike team shall assist with the enforcement of this code, including, but not limited to, Article 5 (commencing with Section 12280) of Chapter 3 of Division 12 and Chapter 1 (commencing with Section 18000) of Division 18. In undertaking its responsibilities, the strike team shall seek to ensure that the November 3, 2020, statewide general election is conducted in a manner that is as consistent as possible with state and federal voting rights laws.

(d) The Secretary of State is encouraged to work with health officials, elections officials, and other stakeholders to establish guidelines for the use of personal protective equipment by individuals at in-person voting locations, including election workers, precinct board members, and voters. These guidelines may include, but are not limited to, requiring that individuals who are physically

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present at voting locations wear personal protective equipment when they are required by state or local health guidelines, ensuring that elections officials have sufficient personal protective equipment for use at in-person voting locations by election workers, precinct board members, and voters, and procedures to ensure that voters are not turned away from using in-person voting locations due to a lack of access to the necessary personal protective equipment.

Adds Elections Code 1605.
Notwithstanding any other law, a county may only hold the November 3, 2020, statewide general election in the manner provided for in this chapter if each registered voter is also mailed a vote by mail ballot.

Adds Elections Code 1606.
This chapter shall remain in effect only until January 1, 2021, and as of that date is repealed.

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

SEC. 4.
This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure the November 3, 2020, statewide general election can be conducted safely and successfully, it is necessary for this act to take effect immediately.

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ELECTIONS: VOTE BY MAIL BALLOTS AND FALSE OR MISLEADING INFORMATION

Senate Bill 739
Chapter 109

Current Provisions
Existing law requires county elections officials to mail a vote by mail ballot to every registered voter for the November 3, 2020, statewide general election. Existing law requires elections officials to include with the county voter information guide an application for a vote by mail ballot.

Existing law makes it a misdemeanor for a person, with actual knowledge and intent to deceive, to cause to be distributed or to distribute literature or any other form of communication to a voter that the person knows to include voting information that is incorrect, false, or misleading, as specified.

New Provisions
This bill would make this requirement to include with the county voter information guide an application for a vote by mail ballot inapplicable for the November 3, 2020, statewide general election.
This bill would specifically include within this prohibition a false or misleading communication regarding the qualifications to apply for, receive, or return a vote by mail ballot. By creating a new crime, this bill would create 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 no reimbursement is required by this act for a specified reason.
This bill would declare that it is to take effect immediately as an urgency statute.

SECTION AFFECTED:

SECTION 1.
Amends Elections Code 3022.
          (a) The elections official shall include with the county voter information guide an application for a vote by mail ballot.

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(b) For the statewide general election to be held on November 3, 2020, the elections official may, but is not required to, include with the county voter information guide an application for a vote by mail ballot.

(c) This section shall remain in effect only until January 1, 2021, and as of that date is repealed.

SEC. 2.
Adds Elections Code 3022.

(a) The elections official shall include with the county voter information guide an application for a vote by mail ballot.

(b) This section shall become operative on January 1, 2021.

SEC. 3.
Amends Elections Code 18302.

(a) A person is guilty of a misdemeanor who knowingly causes to be mailed or distributed, or knowingly mails or distributes, literature to a voter that includes a designation of the voter's precinct polling place other than a precinct polling place listed for that voter in an official precinct polling list that constituted the latest official precinct polling list at sometime not more than 30 days prior to the mailing or distribution.

(b) A person is guilty of a misdemeanor who, with actual knowledge and intent to deceive, causes to be distributed or distributes, including distribution by mail, radio or television broadcast, telephone call, text message, email, or any other electronic means, including over the Internet, literature or any other form of communication to a voter that includes any of the following:

(1) The incorrect location of a vote center, office of an elections official, satellite office of an elections official where voting is permitted, vote by mail ballot drop box, or vote by mail ballot drop-off location.

(2) False or misleading information regarding the qualifications to vote or to register to vote.

(3) False or misleading information regarding the qualifications to apply for, receive, or return a vote by mail ballot.

~~(3)~~*(4)* False or misleading information regarding the date of an election or the days, dates, or times voting may occur at a place described in paragraph (1).

SEC. 4.
No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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SEC. 5.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure voters are not misled about their voting rights before the November 3, 2020, statewide general election and a proper administration of that election, it is necessary that this act take effect immediately.

PRIMARY ELECTION DATE

Senate Bill 970
Chapter 111

Current Provisions
Existing law requires that the statewide direct primary be held on the first Tuesday after the first Monday in March in each even-numbered year. Existing law requires that the presidential primary be held on that same date in any year that is evenly divisible by 4.

New Provisions
This bill would change the date of the statewide direct primary to the first Tuesday after the first Monday in June in even-numbered years in which there is no presidential primary.

SECTIONS AFFECTED:

SECTION 1.
The Legislature finds and declares all of the following:

(a) California voters approved the Voters FIRST Act in 2008 and the Voters FIRST Act for Congress in 2010, which together established the Citizens Redistricting Commission and made the commission responsible for adjusting the boundary lines of the congressional, State Senatorial, Assembly, and Board of Equalization districts based on the federal decennial census and in conformity with standards set forth in both the federal and state constitutions.

(b) The commission is required to conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines. That process includes holding public hearings both before and after

releasing draft and final plans and providing adequate public comment periods
after any plans are released.
        (c) The commission cannot draw new district lines until it receives census
data from the United States Census Bureau. Due to the COVID-19 pandemic,
the United States Census Bureau has announced that release of census data
to California will be delayed up to four months to July 31, 2021. As a result, the
commission will not have sufficient time to undertake the redistricting process as
required by the Voters FIRST Act and the Voters FIRST Act for Congress and to
approve new district boundaries that will be in place in time for a statewide direct
primary election held in March 2022. Therefore, the Legislature finds that the 2022
statewide direct primary election must be moved back to June 7, 2022.

SEC. 2.
Amends Elections Code 316.
(a)"Direct primary" is the primary election held on the first Tuesday after the first
Monday in ~~March~~ *June* in each even-numbered ~~year.~~ *year that is not evenly*
divisible by four and on the first Tuesday after the first Monday in March in each
even-numbered year that is evenly divisible by four.
(b)~~This section shall become operative January 1, 2019.~~

SEC. 3.
Amends Elections Code 340.
(a)"Presidential primary" is the primary election that is held on the first Tuesday
after the first Monday in March of any year that is evenly divisible by four.
(b)~~This section shall become operative January 1, 2019.~~

SEC. 4.
Amends Elections Code 1000.
The established election dates are as follows:
        (a) The first Tuesday after the first Monday in March of each ~~year.~~ *even-*
numbered year that is evenly divisible by four.
        (b) The first Tuesday after the first Monday in March of each odd-
numbered year.
        ~~(b)~~*(c)* The second Tuesday of April in each even-numbered year.
        (d) The first Tuesday after the first Monday in June in each even-
numbered year that is not evenly divisible by four.
        ~~(c)~~*(e)* The first Tuesday after the first Monday in November of each year.

SEC. 5.
Amends Elections Code 1001.
The following are statewide elections and their dates are statewide election dates:
        (a) An election held in November of an even-numbered year.
        (b) An election held in ~~March~~ *June* of an even-numbered ~~year.~~ *year that*

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is not evenly divisible by four and in March of each even-numbered year that is evenly divisible by four.
~~(c)This section shall become operative January 1, 2019.~~

SEC. 6.
Amends Elections Code 1201.
~~(a)~~The statewide direct primary shall be held on the first Tuesday after the first Monday in ~~March~~ *June* of each even-numbered ~~year.~~ *year that is not evenly divisible by four and on the first Tuesday after the first Monday in March in each even-numbered year that is evenly divisible by four.*

~~(b)This section shall become operative January 1, 2019.~~

SEC. 7.
Amends Elections Code 1202.
~~(a)~~The presidential primary shall be consolidated with the statewide direct primary in any year that is evenly divisible by four, and the consolidated primary shall be held on the first Tuesday after the first Monday in March.

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Section Four
2020 STATUTES INDEX

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