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California State Senate elections and constitutional amendments

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AGENDA

Tuesday, April 29, 2025 9:30 a.m. -- State Capitol, Room 113

MEASURES HEARD IN FILE ORDER

1.	SB 316	Reyes	High school pupils: voter registration.
2.	SB 335	Strickland	Elections: voting by mail.
3.	SB 482*	Weber Pierson	Roster of public officials: local government.
4.	SB 621*	Grove	Voter registration: military and overseas voters.
5.	SB 644	Blakespear	Political Reform Act of 1974: contribution limits.
6.	SB 249	Umberg	County boards of education: elections: consolidation.
7.	SB 760	Allen	Behested payments: public appeal for payment.
8.	SB 408*	Choi	Voter registration: residency confirmation.
9.	SB 3	Cervantes	Elections: signature verification and results.
10.	SB 91*	Cervantes	Elections: tie votes.
11.	SB 266	Cervantes	Elections: language accessibility.
12.	SB 321	Cervantes	Late signature curing expenditure reports.
13.	SB 851*	Elections and Constitutional	Elections.
		Amendments	
14.	SB 852*	Elections and Constitutional Amendments	Political Reform Act of 1974: amendments.

^{*}Proposed for Consent

Senator Sabrina Cervantes, Chair 2025 - 2026 Regular

Bill No: SB 316 Hearing Date: 4/29/25

Author: Reyes Version: 2/11/25

Urgency: No Fiscal: Yes

Consultant: Scott Matsumoto

Subject: High school pupils: voter registration

DIGEST

This bill requires students to receive information about preregistering to vote before completing the 11th grade.

ANALYSIS

Existing law:

- Permits a person who is a United States citizen, a resident of California, not imprisoned for the conviction of a felony, and at least 18 years of age at the time of the next election, to register to vote and to vote.
- 2) Permits a person who is a United States citizen, a resident of California, not imprisoned for the conviction of a felony, and at least 16 years of age, to pre-register to vote. Pre-registrants are automatically registered to vote when they turn 18.
- 3) Requires the Secretary of State (SOS) to adopt regulations requiring each county to design and implement programs to identify people who are eligible but have not registered to vote, and to register those people to vote. The SOS must adopt regulations prescribing minimum requirements for those programs.
- 4) Expresses the intent of the Legislature that every eligible high school and college student receive a meaningful opportunity to apply to register to vote. To achieve this, the SOS must annually provide every high school, California community college (CCC), California State University (CSU), and University of California (UC) with voter registration forms, if requested.
- 5) Establishes the last two full weeks in April and the last two full weeks in September as "High School Voter Education Weeks." People who are authorized by the county elections official can, during these weeks, register students and school personnel on any high school campus to vote.
- 6) Allows the administrator of a high school, or their designee, to appoint one or more high school students to be voter outreach coordinators on their campus to coordinate on voter registration activities, including voter registration drives, mock elections, debates, and other election-related student outreach activities.

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7) Allows students in grades 6-12 to have one excused absence per year to participate in a civic or political event provided the student notifies the school ahead of the time.

This bill:

- 1) Requires students to receive information about preregistering to vote before completing the 11th grade. The information provided is required to include, but not limited to, the following:
 - a) Voting eligibility and guidance published by the SOS.
 - b) Services provided and materials published by the county elections office.
 - c) The opportunity to register to vote.
 - d) The Student Poll Worker program, where students who meet certain requirements can serve as a poll worker.
- 2) Requires the governing board of a school district, a county board of education, a state special school, and the governing body of a charter school, to upon request, ensure any information shared with parents, guardians, and students under this section is handled according to applicable state and federal student privacy laws and regulations.
- 3) Allows the governing board of a school district, a county board of education, a state special school, and the governing body of a charter school to contract with a third-party nonprofit organization that has experience providing nonpartisan youth civic engagement information.

BACKGROUND

<u>Live While We're Young – Youth Turnout.</u> According to the Center for Inclusive Democracy's March 2021 report for the 2020 general election, the youth (age 18-24) eligible turnout was 47.4% - higher than the 36.6% youth eligible turnout rate in the 2016 general election. In the 2020 election, young voters comprised of 14.5% of California's eligible voter population, but only 10.2% of youth voted.

Schoolhouse Rock – Voter Education Efforts. The last two full weeks in April and September are known as High School Voter Education Weeks. These weeks provide an opportunity for high schools, students, and county election officials to promote civic education, encourage participation on campus, and foster an environment that cultivates lifelong voters. In 2024, High School Voter Education Weeks took place between April 15-26 and September 16-27. According to a letter from the Superintendent of Public Instruction and the SOS to school administrators, the goal of those weeks is to bring civic awareness to future voters and inspire eligible students to pre-register to vote.

On October 8, 2024, California held a Student Mock Election for the 2024 general election. The mock election provides middle and high school students with an opportunity to review election materials and cast a mock ballot for contests on the

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November 2024 general election ballot. The SOS's office provided ballots, student voter information guides, and other materials to participating schools. The 2024 mock election ballot consisted of three elected offices and 10 statewide ballot measures. In total, 71,098 students cast ballots from 235 schools.

<u>Forever Young – Preregistration Data.</u> In 2009, the Legislature approved and Governor Schwarzenegger signed AB 30 (Price), Chapter 364, Statutes of 2009, which allowed a person who is 17 years of age to pre-register to vote, provided they otherwise meet all eligibility requirements. In 2014, SB 113 (Jackson), Chapter 619, Statutes of 2014, lowered the pre-registration age to 16-years-old. The implementation of these policies was contingent upon the certification of the statewide voter registration database (VoteCal). In September 2016, the SOS certified VoteCal thereby rendering these policies effective and allowing 16-and 17-year-olds to pre-register to vote.

According to the SOS, as of February 10, 2026, there are 126,087 preregistered voters in California. Since 2016, 1,342,577 people have preregistered to vote. Since then, over a million have turned 18 and are registered to vote.

<u>The Times They are A-Changin' – Paper Voter Registration Forms and Previous Legislation.</u> AB 593 (Ridley-Thomas), Chapter 819, Statutes of 2003, created the Student Voter Registration Act (SVRA) of 2003, which among other things, required the SOS to provide every high school, CCC, CSU, and UC with voter registration forms. The SOS was also required to include information regarding eligibility requirements and tasked with informing each student that they may return the completed form in person or by mail to the elections official of the county in which the student resides.

SB 854 (Ridley-Thomas), Chapter 481, Statutes 2007, which became effective in 2008, changed the law to reduce the number of forms the SOS was required to provide by limiting their distribution to voting age students only. According to the SOS's 2023 report, in 2008, the SOS's office printed and mailed over 2.5 million student voter registration applications to high school and college campuses. Of the over 2.5 million student voter registration applications mailed, less than 1% were completed and returned to the SOS. Consequently, that approach was deemed costly and ineffective.

AB 1446 (Mullin), Chapter 593, Statues of 2014, among other provisions, updated the SVRA and deleted requirement for the SOS to send *every* high school, CCC, CSU, and UC voter registration forms that are consistent with the number of students enrolled at each school who are of voting age or will be of voting age by the end of the year. The bill allowed schools to request registrations forms from the SOS and continues to be the current practice.

According to the SOS's 2024 Student Voter Registration Annual Report, in 2024, the SOS contacted 3,878 high schools and 154 colleges and universities. There were 513 schools that responded with 328 requesting paper voter registration forms. In terms of paper voter registration forms, 99,911 paper forms were distributed with 17,548 being returned.

It should be noted that there has been a shift towards the online voter registration form. The letter sent to high schools, colleges, and universities had a link to an electronic

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form. When combining paper and online voter registration, 181,266 preregistrations were submitted.

COMMENTS

- 1) Author's Statement. This bill would provide high school students in California the opportunity and resources needed to preregister to vote by the end of their eleventh grade. Sixteen- and seventeen-year-olds in California have the ability to preregister to vote and subsequently become registered to vote upon their 18th birthday, but currently only 11% of sixteen and seventeen-year-olds in California are actually preregistered to vote. This bill would address the low voter preregistration rate in California by presenting high school students the opportunity and resources needed to preregister to vote at their schools.
- 2) <u>Suggested Amendment Ain't No Mountain High Enough Registering to Vote.</u> While this bill primarily focuses on providing information on preregistering to vote, there is potential that information being provided is being given to pupils who are at least 18 years old. This bill also includes ways to disseminate this information to pupils, such as through family information sessions. Both scenarios may involve individuals who are eligible but not currently registered to vote. The committee should consider amending the bill to include information on how to properly register to vote.
- 3) Suggested Amendment Signed, Sealed, Delivered How to Vote. On March 18, 2025, this committee held an informational hearing on signature curing as it relates to vote by mail ballots. One of the notable takeaways from the hearing is educating current and future voters about the importance of their signatures. A person's signature when they preregister at 16 or 17 might seem unique and stylish, but may change drastically as the person gets older. First-time voters also may not know what a vote by mail ballot looks like, or how to complete the required information on the envelope. The committee should consider amending this bill to explicitly include information about how to vote, how to vote by mail, and the importance of a voter's signature in the information provided to pupils.
- 4) <u>Double Referral School's Out.</u> Prior to being heard by this committee, the Committee on Education took the first bite of the apple and approved the measure on a 5-1 vote on March 19, 2025.

RELATED/PRIOR LEGISLATION

AB 2724 (Reyes) of 2024 would have required students to receive information about preregistering to vote at least once before completing the 11th grade. The bill was vetoed by Governor Newsom stating, in part, the following:

While I support the author's goal of encouraging young people to pre-register to vote and applaud the work of the bill's sponsors, I have concerns about creating an additional school mandate for this purpose at this time. Schools already have the ability to fulfill the requirements of this bill without creating a new mandate. In California, we strive to make registering and pre-registering to vote as streamlined as possible for all citizens.

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SB 113 (Jackson), Chapter 619, Statutes of 2014, lowered the pre-registration age to 16-years-old.

AB 30 (Price), Chapter 364, Statutes of 2009, allowed a person who is 17 to pre-register to vote, provided they otherwise meet all eligibility requirements.

POSITIONS

Sponsor: Inland Congregations United for Change

Support: California Chamber of Commerce

California Environmental Voters

California State PTA Californians for Justice

Coalition for Humane Immigrant Rights

Generation Citizen Gente Organizada Inland Empire United

League of Women Voters of California Los Angeles County Office of Education

Partnership for the Advancement of New Americans

Power CA Action Public Advocates

Resilience Orange County

Oppose: None received

Senator Sabrina Cervantes, Chair 2025 - 2026 Regular

Bill No: SB 335 Hearing Date: 4/29/25

Author: Strickland Version: 3/25/25

Urgency: No Fiscal: Yes

Consultant: Scott Matsumoto

Subject: Elections: voting by mail

DIGEST

This bill removes the requirement to automatically mail every active registered voter a vote by mail (VBM) ballot and makes additional changes to the VBM ballot process. This bill also repeals the Voter's Choice Act (VCA).

ANALYSIS

Existing law:

- 1) Provides that a United States citizen at least 18 years old, a resident of California, and not serving a state or federal prison term may register to vote and vote.
- 2) Requires every active registered voter to receive a VBM ballot for any election.
- 3) Requires election officials to begin mailing a VBM ballot no later than 29 days before Election Day.
- 4) Provides a VBM ballot is timely cast if it is received by the voter's elections official by mail no later than seven days after Election Day and is postmarked or time/date stamped on or before Election Day.
- 5) Establishes the VCA and permits counties to conduct elections in which every voter is mailed a ballot with vote centers and ballot drop-off locations available prior to and on Election Day. Vote centers are required to be open before Election Day and are required to provide specific election-related services. The VCA also provides a number of planning and outreach requirements for counties.
- 6) Requires a county that does not conduct an election pursuant to the VCA to provide at least two VBM ballot drop-off locations within the jurisdiction where the election is held or at least one VBM ballot drop-off location for every 30,000 registered voters within the jurisdiction where the election is held, whichever results in more VBM ballot drop-off locations, unless certain conditions are met.

This bill:

- Removes the requirement to automatically mail every active registered voter a VBM ballot and, instead, requires a voter to request a VBM ballot or become a permanent VBM voter.
- 2) Requires voters to apply for VBM ballots in writing to the elections official having jurisdiction over the election between the 29th and the 7th day prior to the election. The application shall be signed by the applicant and show the applicant's place of residence. Any applications received by the elections official prior to the 29th day shall be kept and processed during the application period.
- 3) Removes the requirement for counties to have drop-off locations for VBM ballots.
- 4) Repeals a voter's ability to cast a ballot using a remote accessible vote by mail (RAVBM) system.
- 5) Repeals the Voter's Choice Act.

BACKGROUND

Senate Bill 450 (Allen). In 2016, the Legislature passed and Governor Brown signed SB 450 (Allen), Chapter 832, Statutes of 2016. SB 450 enacted the VCA and provided a new model for counties to administer elections. This election model was based off of a Colorado election model where every registered voter is mailed a VBM ballot and may visit any voting location, known as vote centers, within the voter's county prior to and on Election Day to vote or seek assistance with voting.

The VCA requires counties to mail a VBM ballot to all active registered voters and replaced polling places with vote centers and ballot drop-off locations. For regularly scheduled elections, one vote center is required for every 50,000 registered voters and needs to be opened from the 10th day to the 4th day prior to the election, and one vote center for every 10,000 registered voters from the 3rd day prior to the election through Election Day, with no fewer than two vote centers. For special elections, one vote center is required for every 60,000 registered voters from the 10th day to the day prior to the election, and one vote center for every 30,000 registered voters on Election Day. Voters could visit any vote center in the voter's county to return a VBM ballot, register to vote, and vote. Vote centers also need to be accessible to voters with disabilities and provide language assistance in a way consistent with current state and federal law. Finally, a ballot drop-off location was required for every 15,000 registered voters and available from the 28th day before the election through Election Day.

Following the enactment of SB 450, five counties elected to change their election model to the VCA for the 2018 elections. In 2020, 10 more counties made the switch. In 2022, 12 more counties opted for the VCA. In 2024, 29 counties conducted their elections using the VCA model and encompass over 75 percent of California's voters.

<u>Vote by Mail.</u> Californians have increasingly relied on VBM ballots to cast a vote. According to the Secretary of State's office, the 1962 general election saw 2.63 percent of voters vote by mail. For the 2024 presidential general election, 80.76 percent of

voters voted by mail. This massive increase in mail voting over the past 60 years is a result of many factors ranging from legislation expanding access to VBM ballots, paid postage on return envelopes, and additional elected offices resulting in longer, sometimes more complicated, and time-consuming ballots.

The rise in popularity of VBM ballots has also corresponded with the number of voters registered to vote. California has a higher population than in the 1960s and the number of voters registered to vote has increased accordingly. As of February 10, 2025, California had 22,900,896 registered voters. This represents an increase of over five million registered voters since 2015. Below is a table of recent statewide elections and the percentage of VBM ballots in that election:

Vote By Mail Ballots since 2012*								
		Primary		General				
Year	VBM	Total	Percentage	VBM	Total	Percentage		
	Ballots	Ballots Cast		Ballots	Ballots Cast			
2012	3,471,570	5,328,296	65.15%	6,753,688	13,202,158	51.16%		
2014	3,096,104	4,461,346	69.40%	4,547,705	7,513,972	60.52%		
2016	5,036,262	8,548,301	58.92%	8,443,594	14,610,509	57.79%		
2018	4,834,975	7,141,987	67.70%	8,302,488	12,712,542	65.31%		
2020	6,982,750	9,687,076	72.08%	15,423,301	17,785,151	86.72%		
2021	Statewide Special Election			11,733,429	12,892,578	91.01%		
2022	6,647,212	7,285,230	91.24%	9,755,198	11,146,620	88.64%		
2024	6,841,984	7,719,218	88.64%	13,034,378	16,140,044	80.76%		

^{*}Data compiled from reports from the Secretary of State's website.

AB 37 (Berman), Chapter 312, Statutes of 2021, made permanent COVID-era legislation that required a VBM ballot be sent to every active registered voter prior to an election. As a result, today, all voters receive a VBM ballot and can choose how to return it. The VBM ballot can be mailed back to the elections official, placed in a ballot drop-off box/location, or dropped off at a polling location. If a VBM ballot is mailed, the ballot needs to be postmarked by Election Day and received within seven days of Election Day.

Remote Accessible Vote by Mail. An RAVBM system allows voters to vote independently and privately using their own compatible technology. To use a RAVBM system, a voter must download the application, mark their selections, print their selections, sign the envelope (using the envelope provided with the VBM ballot or the voter's own envelope), and return it either by mail or by dropping it off at a voting location. Under current law, any voter is able to use an RAVBM to vote.

COMMENTS

1) <u>Author's Statement.</u> As a legislator committed to upholding the integrity of our electoral process, I strongly advocate for the repeal of California's all VBM election system, as established under AB 37. While the intention behind mailing ballots to every active registered voter was to increase accessibility, the system has instead amplified vulnerabilities that undermine public trust. Our voter rolls remain bloated with outdated registrations — individuals who have moved, passed away, or were

improperly registered through the Department of Motor Vehicles' (DMV's) flawed automatic voter registration process —resulting in ballots circulating to unintended or nonexistent recipients. Coupled with lax provisions like the acceptance of late-arriving ballots without postmarks and the persistence of ballot harvesting, this system invites skepticism and potential fraud, as noted by election law experts and the bipartisan National Commission on Federal Election Reform. Moreover, the all-VBM approach inherently delays election result reporting, further eroding confidence in the system's integrity as voters and candidates wait weeks for outcomes. At a time when confidence in elections is already fragile, repealing this mandate and returning to a more secure, transparent in-person voting framework, supplemented by optional VBM for those who need it, is essential to restoring faith in our democracy.

- 2) Reverting Back Vote by Mail. This bill makes significant changes to California's elections by repealing the requirement to mail every active registered voter a VBM ballot. If enacted, voters who seek to vote by mail will need to apply for a VBM ballot for every election or apply to be a permanent VBM voter. This has the potential to cause voter confusion. Voting by mail has become a normalized part of California's elections. If a voter is accustomed to receive a VBM ballot in the mail and now has to apply for a VBM ballot, the voter might not know that the action to request a VBM ballot needs to occur. A public education campaign informing voters of this change would be a valuable step should this bill be chaptered.
- 3) Repeal the VCA? If enacted, this bill would significantly change how elections are administered in VCA counties. At the time the VCA was enacted, one of the major changes to the voting experience was that every voter in a VCA county received a VBM ballot. The VCA also permitted counties to replace polling places with vote centers. While fewer in numbers, vote centers provided more services for voters, such as replacing spoiled ballots, printing ballots on demand, being open up to 10 days prior to Election Day, and allowing a voter to visit any vote center in their county. The flexibility provided with vote centers was viewed as a positive step in improving voter access and the voter experience.

From an election administration standpoint, the VCA required less voting locations and a lower number of poll workers to staff those polling locations. By repealing the VCA, counties using vote centers may need to shift quickly to establish polling places. This would require VCA counties to rethink how elections are administered, how quickly polling locations can be secured, and how best to recruit additional poll workers.

As mentioned in the previous comment, voters have become accustomed to VBM ballots. Similarly, voters in VCA counties have also become use to vote centers. Changing this practice would be a noteworthy change for voters. Voter education and outreach regarding these changes would be beneficial and could limit the amount of voter confusion that may arise as a result of this bill.

This committee should consider the ramifications for election administrators and voters before moving forward.

RELATED/PRIOR LEGISLATION

SB 406 (Choi) of 2025 requires VBM ballots to be returned to the elections official by the close of the polls on Election Day, unless certain conditions are met. The bill was heard by this committee, but an action was not taken.

AB 37 (Berman), Chapter 312, Statutes of 2021, required county election officials to mail a ballot to every active registered voter for all elections. Additionally, AB 37 required a county that does not conduct an election pursuant to the VCA to provide at least two VBM ballot drop-off locations within the jurisdiction where the election is held or at least one VBM ballot drop-off location for every 30,000 registered voters within the jurisdiction where the election is held, whichever results in more VBM ballot drop-off locations, unless certain conditions are met.

SB 450 (Allen), Chapter 832, Statutes of 2016, established the VCA and permitted counties to conduct elections in which every voter is mailed a ballot with vote centers and ballot drop-off locations available prior to and on Election Day, in lieu of operating polling places for the election, subject to certain conditions and as specified.

POSITIONS

Sponsor: Author

Support: None received

Oppose: Asian Law Caucus

Disability Rights California

League of Women Voters of California

Senator Sabrina Cervantes, Chair 2025 - 2026 Regular

Bill No: SB 482 Hearing Date: 4/29/25

Author: Weber Pierson

Version: 4/8/25

Urgency: No Fiscal: Yes

Consultant: Carrie Cornwell

Subject: Roster of public officials: local government.

DIGEST

This bill requires counties and cities to electronically submit to the Secretary of State (SOS) no more than 90 days after a general election the names of elected and appointed local officials for publication in the roster of public officials.

ANALYSIS

Existing law:

- 1) Requires the SOS to compile, publish, and distribute a roster of public officials whenever the Legislature makes an appropriation therefor.
- 2) Prescribes that the SOS shall distribute a specified number of copies of the roster free of charge to the Governor, the Lt. Governor, each member of the Legislature, each elective state officer, each head of a state department, each county clerk, each Governor and each Secretary of State for all states in the United States, as well as public libraries and individuals, who request it.

This bill requires that counties and cities electronically submit to the SOS no more than 90 days after a general election the names of elected and appointed local officials for publication in the roster of public officials.

<u>COMMENTS</u>

1) Author's Statement. By mandating that local governments submit updated rosters within 90 days of each local general election, this bill aims to create a more responsive and accurate public record. Government should be transparent, accessible, and current. As written, the bill will promote greater efficiency, accuracy, and transparency in the publication of California's government officials, benefiting citizens, public servants, and government entities alike. It is a simple yet effective approach to ensuring that the public has access to up-to-date information about their elected and appointed representatives.

- 2) What is in the California Roster? The content of the California Roster is based on tradition that has evolved over the nearly 80 years of its existence. The current roster includes information about:
 - The state's current and historic constitutional officers
 - California's state emblems
 - The Senate and Assembly
 - The California judicial branch
 - State agencies, departments, boards, and commissions
 - County officials
 - Incorporated city and town officials
 - California Congressional representatives
- 3) Arguments in Support. Writing in support of the bill, California Secretary of State Shirley Weber notes that her office must annually publish a roster of officials for local governments as part of the California Roster, but that no corresponding mandate on local governments to provide this information exists. Further, local governments face no binding deadline binding, which results in publication delays as the Secretary of State's office contacts individual jurisdictions to gather the necessary data when they do not respond to the Secretary of State's annual survey. This bill addresses this issue by requiring local governments to submit rosters of their elected and appointed officials no more than 90 days after each local general election, thus ensuring that the roster remains accurate, timely, and reliable.
- 4) <u>Double Referral.</u> The Senate Committee on Local Government heard this bill on April 23, 2025, and approved the bill by a vote of 7-0.

PRIOR ACTION

Senate Local Government Committee: 7-0

POSITIONS

Sponsor: California Secretary of State Shirley N. Weber, Ph.D.

Support: None received

Oppose: None received

Senator Sabrina Cervantes, Chair 2025 - 2026 Regular

Bill No: SB 621 Hearing Date: 4/29/25

Author: Grove **Version:** 3/24/25

Urgency: No Fiscal: No

Consultant: Scott Matsumoto

Subject: Voter registration: military and overseas voters

DIGEST

This bill repeals the additional requirements for military and overseas voters to register to vote after the registration deadline to fully align with the existing conditional voter registration (CVR) process for all voters.

ANALYSIS

Existing law:

- Permits a person who is a United States citizen, a resident of California, not imprisoned for the conviction of a felony, and at least 18 years of age at the time of the next election, to register to vote and to vote.
- 2) Permits any eligible person to conditionally register to vote, through a process known as CVR, after the voter registration deadline and before the close of polls on Elections Day. Votes cast using this process are considered provisional ballots unless certain conditions are met.
- 3) Permits a military or overseas voter to apply in person to the voter's elections official for permission to register after the closing date of registration under the following conditions:
 - a) The military or overseas voter is released from service after the closing date of registration for an election, returns to the county of their residence, and is not a registered voter. To register, the person is required to furnish documentary proof that they were released from service after the closing date of registration for the election.
 - b) The military or overseas voter is required to move under official active duty military orders after the closing date of registration. To register, the elector shall furnish a copy of their official military orders.
- 4) Requires the elections official to deliver to the precinct board a list of military or overseas voters who registered to vote using the process in 3) on or before Election Day, or the first day a vote center opens.

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This bill repeals the additional requirements in 3) and 4) of existing law for military and overseas voters to register to vote after the registration deadline to fully align with the existing CVR process for all voters.

BACKGROUND

Military and Overseas Voters. In California, an individual is permitted to register to vote electronically. When registering to vote as a military or overseas voter, a voter can choose to have their ballot mailed, faxed, or emailed to them. Additionally, county election officials begin sending ballots to military and overseas voters 60 days before Election Day. The voter may return the voted ballot to their county elections official by mail or, in certain circumstances, by fax.

Conditional Voter Registration. California permits a person to register to vote after the traditional voter registration deadline of 15 days before Election Day. Also known as same day voter registration, CVR is a voter registration that is delivered by the registrant to the county elections official during the 14 days immediately preceding an election or on Election Day. Registration can take place at their county elections office, polling place, vote center, satellite office/location, or online. The registration is deemed effective after the elections official processes the affidavit, determines the registrant's eligibility to register, and validates the registrant's information.

A voter using the CVR process also needs to request a CVR ballot. Receiving a ballot typically happens at a polling location, but can also be received using the county's remote accessible vote by mail (RAVBM) system. An RAVBM system electronically sends a voter a ballot where the voter completes the ballot, prints it out, and returns it to the appropriate elections official. If the elections official determines that the CVR is valid, then the ballot is processed.

COMMENTS

- Author's Statement. This bill would delete Elections Code Section 3108, which is now obsolete due to the passage of SB 504 (Becker), Chapter 14, Statutes of 2022. SB 504 clarified that military and overseas voters are eligible to use CVR without additional requirements, making Section 3108 unnecessary.
- Need for the Bill. In 2012, the Legislature passed and the Governor signed AB 1436 (Feuer), Chapter 497, Statutes of 2012, establishing the CVR process and became operative after the Secretary of State certified California's statewide voter registration database, VoteCal.

Even though AB 1436 was effective, Elections Code §3108 consisted of provisions applicable to military and overseas voters attempting to register after the traditional voter registration deadline. Voters seeking to utilize this process are required to provide documentation that they were released from service after the deadline or required to move under military active duty military orders.

Because AB 1436 applied to all voters, and not specifically for those in an official service capacity, the provisions in Elections Code §3108 are no longer needed. Any overseas voters, regardless of their duties, can use the current CVR process.

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Having this provision in statute has the possibility of creating confusion for military and overseas voters trying to register to vote and vote.

3) <u>Double Referral.</u> This bill is double-referred to this committee and the Committee on Military and Veterans Affairs, where it is scheduled to be heard on April 28, 2025.

RELATED/PRIOR LEGISLATION

SB 504 (Becker), Chapter 14, Statutes of 2022, among other provisions, permitted the Secretary of State to adopt emergency regulations to implement CVR.

AB 1436 (Feuer), Chapter 497, Statutes of 2012, established the CVR process and became operative after the Secretary of State certified California's statewide voter registration database, VoteCal.

POSITIONS

Sponsor: California Secretary of State Shirley N. Weber, Ph.D.

Support: California Association of Clerks and Election Officials

League of Women Voters of California

Wounded Heroes Fund

Oppose: None received

Senator Sabrina Cervantes, Chair 2025 - 2026 Regular

Bill No: SB 644 Hearing Date: 4/29/25

Author: Blakespear Version: 3/25/25

Urgency: No Fiscal: Yes

Consultant: Carrie Cornwell

Subject: Political Reform Act of 1974: contribution limits

DIGEST

This bill imposes, beginning in 2027, campaign contribution limits for candidates for judicial, community college board, and school board offices.

ANALYSIS

Existing law:

- Includes the Political Reform Act (PRA), which establishes California's campaign finance and disclosure laws for state and local campaigns, candidates, officeholders, and ballot measures, and which created the Fair Political Practices Commission (FPPC) to implement, administer, and enforce the PRA.
- 2) Prohibits a person from making, or a candidate from accepting, a contribution for state, county, or city office, excluding statewide offices, of more than a specified amount, currently set at \$5,900. The FPPC adjusts this limit using the Consumer Price Index in January of each odd-numbered year. This limit does not apply to political parties or to small contributor committees, which are defined as those that receive contributions of no more than \$200 from at least 100 persons.
- 3) Allows cities and counties by ordinance or resolution, or by voter initiative, to adopt campaign contribution limits that are different from those described in 2) above.
- 4) Allows school district boards and community college district boards by resolution to adopt campaign contribution and expenditure limits in elections for district offices, as candidates for these offices are not subject to the prohibition in 2) above.

This bill:

- Adds judicial offices, community college district board members, and school district board members to the list of offices for which the statewide contribution limit in existing law 2) above apply.
- 2) Allows the Judicial Council, the policymaking body of the state courts, to impose contribution limits that are more restrictive than the statewide limit for candidates for

elective judicial office and to adopt enforcement standards, including penalties, for violations.

- 3) Allows school district and community college district boards by resolution to adopt contribution limits that are more restrictive than the statewide limit. The bill preserves any contribution limits adopted by a district prior to January 1, 2027. The district may also adopt enforcement standards, including penalties, for violations.
- 4) Asserts that the FPPC shall not have enforcement or administrative responsibility for the contribution limits adopted by the Judicial Council, a school district, or a community college district.
- 5) Requires the FPPC to adopt guidelines for the implementation of this bill.
- 6) Makes conforming changes to various state laws related to contribution limits.
- 7) Takes effect January 1, 2027.

BACKGROUND

Local governments generally have the authority to adopt contribution limits for local office elections in their jurisdictions, and until 2021, state law did not impose any limits on contributions to candidates for local office. Then AB 571 (Mullin), Chapter 556, Statutes of 2019, changed that by establishing, effective January 1, 2021, statewide campaign contribution limits for county and city offices at the same limit on contributions from individuals to candidates for Senate and Assembly.

The FPPC enforces the statewide limits, but AB 571 allows a county or city to establish its own contribution limits that prevail over the statewide limit. If a county or city does so, the FPPC does not enforce those limits, as the local jurisdiction is responsible for enforcement and administration of its limits. In many cases, local campaign finance laws are enforced by the district attorney of the county or by the city attorney. In a few cases, local jurisdictions have set up independent boards or commissions to enforce the local campaign finance laws.

While AB 571 applied only to counties and cities, earlier legislation by the same author sought to impose a similar policy for all local governments, including school districts and community college districts. AB 2523 (Mullin) of 2016 and AB 1089 (Mullin) of 2017 failed passage in the Legislature. In 2023, SB 328 (Dodd) would have imposed the statewide limits on school districts, community college districts, and special districts. While that bill passed this committee and the Senate, it was held in the Assembly Committee on Appropriations.

COMMENTS

1) <u>Author's Statement.</u> A recent Pew Research Center report finds that 77% of the public believes there should be limits on the amount of money individuals and organizations can spend on political campaigns. Yet, currently there are no limits on campaign contributions for judicial, school district, and community college elections.

In Senate District 38, the Orange County Board of Education received up to \$50,000 in donations, much more than allowed for city or county campaigns. This bill would ensure campaign contribution limits for judicial, school district, and community college district elections align with existing limits for all other local elective offices. This bill would place reasonable limits on the money in these races to help ensure fairness in local elections.

2) Local Campaign Finance Rules. State law generally provides local government agencies with a significant amount of latitude when developing local campaign finance rules, by ordinance or resolution, that apply to elections in those agencies' jurisdictions. The campaign rules adopted by local governments, including some school and community college districts, in California vary significantly in terms of their scope. Some local ordinances are very limited, while others are more extensive. In some cases, the ordinances include campaign contribution limits, reporting and disclosure requirements that supplement the requirements of the PRA, temporal restrictions on when campaign funds may be raised, and voluntary public financing of local campaigns, among other provisions.

Evidence suggests that a substantial majority of school and community college districts have not imposed campaign contribution limits for elections for district governing board members. In some cases, contribution limits adopted by a city apply to candidates for seats on the governing board of a school or community college district that is wholly or partially located within that city.

While it is unclear how often candidates for school or community college boards in California receive campaign contributions that are larger than the \$5,900 limit that would be imposed by this bill, it does occur and sometimes at very large amounts.

- 3) Arguments in Support. Common Cause, writing in support, states that allowing unlimited campaign contributions has a corrupting influence on local democracy and contributes to voter cynicism about government. Also, Common Cause says that whenever a candidate is financially dependent on just a handful of contributors, a risk exists that once elected, the candidate will value their contributors' interests over those of the people. Moreover, because the bill's contribution limits would require candidates to seek support in smaller amounts from a broad number of contributors, the bill would have a democratizing effect, increasing the competitiveness of community-supported candidates who do not have access to wealthy patrons and level the campaign playing field.
- 4) Arguments in Opposition. Labor unions representing teachers and other school professionals oppose this bill because its campaign contribution limits will shift contributors, especially those contributing large sums, away from donating directly to candidates to independent expenditure committees (IEs). IEs face no contribution limits, but are prohibited from coordinating with the candidate or the candidate's campaign. The opponents assert that such a shift would decrease the power of the candidate's voice in the campaign, make the campaign process less transparent to voters, increase extremist voices in the campaign, and decrease civic engagement of their members. In particular, they cite data that such shifts disfavor women candidates and note that the shift pushes local races into the darkness of election

cycles dominated by well-funded IEs. Finally, they deem the bill unnecessary, as current law allows a district to create campaign contributions already.

- 5) <u>Technical amendment.</u> This bill creates a new section of law that allows school districts and community college districts to adopt stricter campaign contribution limits. The new section mirrors language included in that for cities and counties, including referencing Government Code provisions allowing local initiatives to create local ordinances. These provisions are not applicable to school districts and community college districts. The author or committee should delete this language (Page 15, Lines 35-37).
- 6) <u>Double referral</u>. Should this bill pass this committee, it will next be heard in the Committee on Education.

RELATED/PRIOR LEGISLATION

SB 328 (Dodd) of 2023, was similar to this bill, and would have applied the same contribution limitations for candidates seeking city and county elective offices to candidates seeking all other local elective offices, including school boards and community college boards. The bill was held under submission in the Assembly Committee on Appropriations.

AB 571 (Mullin), Chapter 556, Statutes of 2019, established beginning in 2021 the current statewide campaign contribution limits for county and city offices, which it set at the same level as those for candidates for the Assembly and Senate. The bill also allowed a county or city to establish its own contribution limits, which would prevail over these default limits.

AB 1089 (Mullin) of 2017 would have imposed statewide contribution limits for all levels of local governments, including school boards. The bill was held under submission in the Assembly Committee on Appropriations.

AB 2523 (Mullin) of 2016 would have imposed statewide contribution limits for all levels of local governments, including school boards. This bill failed passage on the Senate Floor.

POSITIONS

Sponsor: Author

Support: California Clean Money Campaign

California Common Cause

Oppose: California Teachers Association

CFT – A Union of Educators and Classified Professionals, AFT, AFL-CIO

Senator Sabrina Cervantes, Chair 2025 - 2026 Regular

Bill No: SB 249 Hearing Date: 4/29/25

Author: Umberg Version: 3/10/25

Urgency: No Fiscal: Yes

Consultant: Carrie Cornwell

Subject: County boards of education: elections: consolidation.

DIGEST

This bill requires that elections for county boards of education occur at a statewide general election.

ANALYSIS

Existing law:

- 1) Declares that each county, that is not a combined city and county, shall have a county board of education, consisting of members elected by district. In a county in which a single school district encompasses the entire county, then that school district board shall serve as the county board of education.
- 2) Prescribes that elections for members of county boards of education shall be held the first Tuesday after the first Monday of November in odd numbered years. After the first election of board members, a county board of education may, with the permission of the county board of supervisors, instead consolidate its elections with the primary, municipal general, or statewide general election.
- 3) Requires that when the election of school district board members occurs on the same date throughout a county, then members of the county board of education be elected on the same date as school district board members.
- 4) Assigns county election officials with administering the election for county board of education members when those elections are held on the same date as for school district board members.
- 5) Assigns the county board of education with administering elections for county board of education members when the election is held on a different date than for school district board members.
- 6) Sets July 1st as the date those elected to county boards of education take office when elected at the primary election.

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7) Sets the second Friday in December as the date those elected to a county board of education take office when elected in an election consolidated with school board members.

This bill:

- 1) Requires, beginning in 2026, that elections for members of county boards of education occur as part of the statewide general election in November of even numbered years.
- 2) States that the county board of education shall administer these elections, unless the school districts also hold their elections this day in which case the county elections official shall administer the election.
- 3) Sets the second Friday in December as the date all members of county boards of education take office.
- 4) Prescribes how the terms of office for existing members of county boards of education shall be extended and staggered, if this bill establishes a new election timeline.
- 5) Makes conforming changes in law.

BACKGROUND

<u>Elections for Boards of Education.</u> The California Elections Data Archive (CEDA), a collaborative project between California State University, Sacramento, and the Secretary of State (SOS), found that most county boards of education conduct their elections alongside the statewide general election. In the years between 2017 and 2020, CEDA found five counties – Alameda, Orange, Riverside, Sacramento, and San Joaquin counties – held their county board of education elections with the statewide primary election.

Current law permits county boards of education to pass a resolution to change their elections to coincide with the statewide direct primary election, the statewide general election, or the general municipal election. Once approved by the county board of supervisors, the resolution becomes effective. Within 60 days of submission, the board of supervisors must approve the resolution unless it determines that handling additional elections or materials would be challenging due to ballot style, voting equipment, or computer capacity.

COMMENTS

1) <u>Author's Statement.</u> Currently, counties throughout California can make the final determination on the winner of a seat in a low voter turnout primary election rather than allowing voters in higher turnout general elections that occur in November to make that determination. Elections in November have higher turnout and are thus more representative of the desires of more voters. Moving plurality elections to the general election from the primary election will increase the ballots cast for candidates in those races and create a more representative and democratic

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process. Therefore, this bill will require any election for the elected members of a county board of education to be consolidated with the statewide general election. This bill will also require the term of office of all incumbent elected members of a county board of education to be extended accordingly, and would require the county committee on school district organization to determine the manner in which the county board of education elected shall effect a staggering of terms, if necessary.

- 2) Which Counties Would This Bill Impact? According to the available data, five counties Alameda, Orange, Riverside, Sacramento, and San Joaquin counties hold their county board of education elections with the statewide primary election. Most other counties already conduct their county board of education elections at the statewide general election. This bill would preclude those five counties from continuing to hold their elections for board of education members during the primary and prohibit any other county from changing the date of their elections.
- 3) <u>Local Remedy Available.</u> Existing law allows county boards of education to adopt a resolution to change their elections to regularly occur on the same day as the statewide direct primary election, the statewide general election, or the general municipal election. This authority gives county boards of education the option to achieve what this bill prescribes, if the county boards so desire.
- 4) <u>Suggested Amendment</u>. This bill requires that all county boards of education member elections occur at the statewide general election, an election conducted by county election officials. The bill also includes language saying that a county board of education must conduct the election under certain circumstances. The committee may wish to amend from the bill this obsolete language directing the county board of education to conduct the election, which would be unnecessary should the bill become law.
- 5) Arguments in Support. Supporters note that voter turnout is higher at statewide general elections than primary or other elections. For this reason, this bill provides more voters with the opportunity to successfully engage in elections for county board of education members. Supporters assert that this will boost civic engagement generally as well as trust in the election process and that elections with higher voter turnout are less susceptible to manipulation or undue influence by small, but active groups.
- 6) <u>Arguments in Opposition</u>. The Orange County Board of Education writing in opposition notes that because of the length of the general election ballot and that local nonpartisan offices come at the end of the ballot, voter fatigue lowers participation in those choosing county board of education members at a general election. The Orange County Board of Education also points out that Orange County already has the power to consolidate its board of education member elections with the statewide general election and has chosen not to; that this bill dictates to four other counties how they should conduct their elections for board of education; and that the bill would be expensive to implement.
- 7) <u>Double Referral.</u> The Senate Committee on Education heard this bill on April 9, 2025, and approved the bill by a vote of 5 2.

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RELATED/PRIOR LEGISLATION

SB 907 (Newman) of 2024 would have increased the membership size of the Orange County Board of Education and required an election for a member of the Orange County Board of Education to be consolidated with the statewide general election. The Governor vetoed SB 902. His veto message read in part:

[T]here are local processes for altering the number of members on a county board of education and changing when local elections are held. State circumvention of these local procedures, especially with respect to a single county board of education, should be avoided absent extraordinary circumstances. Unfortunately, I am not convinced those circumstances exist in the context of this legislation.

PRIOR ACTION

Senate Committee on Education: 5-2

POSITIONS

Sponsor: Author

Support: Asian Law Caucus

California Common Cause

California School Employees Association, AFL-CIO

California State PTA

California Teachers Association

CFT – A Union of Educators and Classified Professionals, AFT, AFL-CIO

Education Justice Academy

Inland Equity Community Land Trust League of Women Voters of California

Public School Defenders Hub

One individual

Oppose: Orange County Board of Education

Senator Sabrina Cervantes, Chair 2025 - 2026 Regular

Bill No: SB 760 Hearing Date: 4/29/25

Author: Allen Version: 4/22/25

Urgency: No Fiscal: No

Consultant: Carrie Cornwell

Subject: Behested payments: public appeal for payment

DIGEST

This bill exempts from reporting requirements any payments that result from an official's broad public appeal.

ANALYSIS

Existing law:

- 1) Defines a behested payment as a payment made at the behest of an elected officer or member of the Public Utilities Commission (PUC), among others, that is neither a campaign contribution nor a gift; that is principally for a legislative, governmental, or charitable purpose; and for which elected officer or PUC member does not provide full and adequate consideration in exchange.
- 2) Requires an elected officer or member of the PUC to report to their agency behested payments made at the behest of that officer or member within 30 days following the date on which the payment or payments equal or exceed \$5,000 in the aggregate from the same source in the same calendar year.
- 3) Requires that a behested payment report include:
 - a) The name and address of the payor;
 - b) The amount of the payment;
 - c) The date or dates that the payment or payments were made;
 - d) The name and address of the payee;
 - e) A brief description of the goods or services provided or purchased, if any; and
 - f) A description of the specific purpose or event for which the payment or payments were made.
- 4) Requires that within 30 days of receiving a behested payment report, the state agency must forward the report to the Fair Political Practices Commission (FPPC)

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and the local agency must forward it to the officer with whom elected officers of that agency file their campaign reports.

This bill:

- 1) Exempts from behested payment reporting requirements a behest that results from an elected officer or member of the PUC making a public appeal for payment by television, radio, billboard, public message on an online platform, or a public speech to a group of 100 or more individuals.
- 2) Does not apply its exemption in cases where either:
 - a) It is reasonably foreseeable that a payment made in response to a public appeal will have a material financial effect, distinguishable from its effect on the public generally, on the behesting officer, member of the PUC, or member of their immediate family; or
 - b) The behesting officer or member of the PUC knows that a specific payment was made as a result of their appeal.

BACKGROUND

Proposition 9, which appeared on the June 1974 ballot, created the Political Reform Act (PRA) and established California's campaign finance and disclosure laws for state and local campaigns, candidates, officeholders, and ballot measures. Proposition 9 further created the FPPC to implement, administer, and enforce the PRA.

The PRA seeks to end corruption by eliminating secret or anonymous contributions. The PRA subjects the campaign activities, personal financial affairs, and the solicitation of charitable or governmental contributions of state and local officials to public review and scrutiny.

In 1996, the FPPC amended its regulatory definition of the term "contribution" to include any payment made "at the behest" of a candidate, regardless of whether that payment was for a political purpose. As a result, payments made by a third party at the request or direction of an elected officer had to be reported as campaign contributions, even if those payments were made for governmental or charitable purposes.

The change in the FPPC regulations, along with a number of advice letters issued by the FPPC interpreting the new definition of "contribution," limited the ability of elected officers to co-sponsor governmental and charitable events. In one advice letter, the FPPC concluded that a member of the Legislature would be deemed to have accepted a campaign contribution if, at his behest, a third party paid for the airfare and lodging for witnesses to testify at a legislative hearing.

In response to the FPPC's modified definition of "contribution," the Legislature enacted SB 124 (Karnette), Chapter 450, Statutes of 1997, which provided that a payment made at the behest of a candidate principally for a legislative, governmental, or charitable purpose is not considered a contribution nor a gift. SB 124 also required that such payments made at the behest of a candidate, who is also an elected officer, when

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aggregating to \$5,000 or more in a calendar year from a single source, be reported to the elected officer's agency. The elected officer must report such a payment within 30 days. Examples of payments made at the behest of an elected officer that have to be reported under this provision of law include charitable donations made in response to a solicitation sent out by an elected officer or donations of supplies and refreshments made by a third party for a health fair that was sponsored by an elected officer.

COMMENTS

1) <u>Author's Statement.</u> The PRA establishes important transparency reforms including lobbying restrictions and reporting requirements, conflict of interest codes, and extensive campaign disclosure mandates. It allows elected officials to solicit contributions on behalf of non-profit organizations and report any contributions that exceed \$5,000.

In the wake of the 2025 wildfires in Los Angeles, non-profit organizations activated to aid in the immediate response and long term recovery of fire victims. Elected officials in the region could have played a valuable role by using their platforms to support and amplify charitable efforts in the community during this time, but they were discouraged from making public statements that encouraged contributions to these organizations for fear of violating behested payment disclosure requirements.

Under current law, a contribution is considered a behest if it is made in coordination with or at the request or suggestion of an elected official. If an elected official were to make a comment on social media or during a television broadcast appealing to the public to consider supporting a non-profit that is aiding wildfire victims, any contribution could be considered a behest. This is true even if the elected official does not know if a contribution was made as a result of that public appeal, does not know if a contribution exceeds the threshold, or did not coordinate directly with any of the potential viewers of that communication.

This bill gives elected officials more flexibility to make public appeals promoting and encouraging support of charitable organizations without triggering reporting requirements. The bill includes important protections to prevent abuses and prevents officials from making a public appeal on behalf of an organization with which they or a family member have any financial interest.

- 2) If a Tree Falls in the Forest. This bill includes language requiring an official to report a behested payment that results from a broad appeal in cases where the official knows that the payment occurred due to the official's appeal. Of course, public officials can only report behested payments that they know of and sometimes such payments occur outside of the official's knowledge. In such cases, no report is filed. This bill's requirement to report when the official knows that someone made a payment at the official's request, even when that request was made on a television appearance or other broad appeal, ensures that the bill's exemption for broad appeals still meets the intent of the PRA to provide transparency and public scrutiny of the payment.
- 3) <u>Is 100 People the Public?</u> Requests for charitable contributions that an elected official makes while on the radio or television, or via social media or a billboard, are

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clearly public appeals. Speeches in which the official asks for donations to a charity that are made to a large group of people may also be "public appeals," depending on the number of people in the audience. The author recently amended the bill to increase the required number of audience members from 20 to 100 and to describe the speeches as "public." The question remains, however, whether that is a sufficiently large enough number of people to constitute a public appeal.

RELATED/PRIOR LEGISLATION

AB 867(Cooley), Chapter 749, Statutes of 2017, recast the behested payments law.

SB 124 (Karnette), Chapter 450, Statutes of 1997, differentiated behested payments from contributions and established the process by which they are reported.

POSITIONS

Sponsor: Author

Support: None received

Oppose: None received

-- END --

Senator Sabrina Cervantes, Chair 2025 - 2026 Regular

Bill No: SB 408 Hearing Date: 4/29/25

Author: Choi Version: 4/3/25

Urgency: No Fiscal: Yes

Consultant: Scott Matsumoto

Subject: Voter registration: residency confirmation

DIGEST

This bill requires county election officials or the Secretary of State (SOS) to contract with the United States Postal Service (USPS) or its licensees to obtain use of postal service change-of-address data for the purposes of voter file maintenance and residency confirmation.

ANALYSIS

Existing law:

- 1) Provides that a person is entitled to register to vote who is a United States citizen, a resident of California, not imprisoned for the conviction of a felony, and at least 18 years of age at the time of the election.
- 2) Provides that registration of a voter is permanent for all purposes during his or her life, unless and until the SOS or the county elections official cancels the registration for any of the causes specified in the Elections Code.
- 3) Requires county election officials to conduct a preelection residency confirmation procedure by the 90th day immediately before the primary election. Based upon the response, the voter may be moved from an active status to an inactive status. Permits, in lieu of mailing a residency confirmation postcard, the following:
 - a) The SOS or a county elections official to contract with the USPS or its licensees to obtain use of postal service change-of-address data, such as the National Change of Address System (NCOA) and Operation Mail.
 - b) The county elections official to include the return address of the county elections official's office on the outside portion of the county voter information guide or county voter information guide envelope mailed to the voter for an election conducted within the last six months preceding the start of the confirmation process, along with the statements "Address Correction Requested" and "Notice: If the person named on the county voter information guide is not at the address, please help keep the voter rolls current and save taxpayer dollars by returning this county voter information guide to your mail carrier."

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c) The county elections official to contract with a consumer credit reporting agency or its licensees to obtain use of change-of-address data.

- 4) Provides those who are inactive are still registered to vote, but do not receive election materials and notices for upcoming elections.
- 5) Requires, rather than permits, an elections official to cancel the registration of a voter if both of the following are true:
 - a) The voter's registration has been made inactive as a result of information being received indicating that the voter has moved and left no forwarding address, and the voter failed to respond to the specified verification mailings that were sent as a result; and,
 - b) The voter does not vote or offer to vote at any election between the date of a specified forwardable address verification mailing and two federal general elections after the date of that mailing.

This bill requires county election officials or the SOS to contract with the USPS or its licensees to obtain use of postal service change-of-address data for the purposes of voter file maintenance and residency confirmation.

BACKGROUND

<u>National Voter Registration Act.</u> In 1993, the federal government enacted the National Voter Registration Act (NVRA) and provided a number of reforms designed to facilitate voter participation through voter registration. Most notably, it established the framework for voter registration at the Department of Motor Vehicles, otherwise known as Motor Voter.

The NVRA also contains various provisions relating to maintaining the integrity of the voter rolls. Specifically, the NVRA provides that voters shall not be removed from the official list of eligible voters on the grounds that the registrant has changed residence unless (1) the registrant confirms in writing a change of residence outside the registrar's jurisdiction, or (2) the registrant has failed to respond to a specified address confirmation notice *and* has not offered or appeared to vote in any election within the next two federal general election cycles following the date of the address confirmation notice.

California law imposes its own requirements regarding notifications to persons who register to vote and for list maintenance activities. This includes provisions that require residence confirmation mailings and, depending on the responses of the initial mailing, multiple attempts to contact the voter. As previously mentioned, if the voter fails to respond and has not offered or appeared to vote in any election within the next two federal general election cycles following the date of the address confirmation notice, then that voter's registration is cancelled.

<u>Husted Decision and Other Litigation.</u> In 2018, the US Supreme Court issued its ruling in *Husted v. A. Philip Randolph Inst.* (2018) 138 S. Ct. 1833. The Supreme Court found that a process used by the state of Ohio to cancel voters' registrations on the grounds

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that those voters had moved did not violate the NVRA and the Help America Vote Act (HAVA) of 2002. Specifically, Ohio law provides for voters to be sent a residency confirmation postcard containing specified information under certain circumstances. If a voter did not respond to that postcard, and did not vote in an election between the time that the postcard was sent and the next two federal general elections, the voter's registration is canceled.

In the 5-4 *Husted* decision, the Supreme Court not only held that the Ohio procedure was permissible under the NVRA and HAVA, but the majority opinion also stated that federal law makes it mandatory for a voter's registration to be canceled if certain conditions are met.

In early 2018, the SOS and the Los Angeles County Registrar of Voters (LA County) reached a settlement agreement in a lawsuit by various plaintiffs, including Judicial Watch, Inc. The plaintiffs alleged that registered voters who met specified conditions are required to have their registrations canceled under the NVRA. The SOS and LA County maintained the cancellation of voters' registrations in those circumstances was permissible, rather than mandatory, under the NVRA. The settlement agreement specifies that "[a]II Parties' legal positions constitute good-faith interpretations of the relevant statute."

In light of the Supreme Court's decision in *Husted*, which was issued after Judicial Watch, Inc. filed the lawsuit, the parties agreed to settle the lawsuit without further litigation, and without admission of liability or wrongdoing. As part of the settlement, the SOS was required to send an advisory to all county election officials specifying that the relevant language in the *Husted* decision "indicates that current federal law requires the cancellation of a registrant who has failed to respond to [a specified NVRA] Notice and who then fails to vote, offer to vote, correct the Registrar's record, or otherwise have their eligibility to vote confirmed for a period of time including the next two general federal elections." Subsequently, AB 504 (Berman), Chapter 262, Statutes of 2019, updated California law to conform to the relevant language in the *Husted* decision and clarified the situations under which a county elections official is required to cancel an inactive voter registration.

COMMENTS

- 1) Author's Statement. Voters across the state have expressed the need for California to "clean up" its voter rolls. As Californians actively move from one residence to another, they often find that their ballots are being mailed to their previous addresses. Those who have not been California residents for years sometimes find that their ballots are still being mailed to their previous California address. These issues lead to lack of voter trust in our elections system. This measure is essential if we want to boost confidence & integrity in our elections system.
- 2) Contracting with USPS. Current law provides county election officials various options for how to conduct the required pre-election residency confirmation process. One option is for the SOS or counties to contract with the USPS or its licensees to obtain use of the postal service change-of-address data. The SOS obtains data from the California Employment Development Department and forwards the information to county election officials through VoteCal. This bill would add the use

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of this data for voter file maintenance and residency confirmation purposes in addition to the existing pre-election residency confirmation procedure.

RELATED/PRIOR LEGISLATION

AB 504 (Berman), Chapter 262, Statutes of 2019, among other provisions, provided that a voter's residency is confirmed for the purposes of pre-election residency confirmation processes and voter list maintenance procedures if the voter verifies their registration record on the internet website of the SOS. The bill also clarified residency confirmation procedures that county election officials must follow.

POSITIONS

Sponsor: Author

Support: None received

Oppose: None received

-- END --

Senator Sabrina Cervantes, Chair 2025 - 2026 Regular

Bill No: SB 3 Hearing Date: 4/29/25

Author: Cervantes Version: 4/21/25

Urgency: No Fiscal: Yes

Consultant: Scott Matsumoto

Subject: Elections: signature verification and results

DIGEST

This bill makes changes to signature curing process for vote by mail (VBM) ballots.

ANALYSIS

Existing law:

- 1) Provides that a United States citizen at least 18 years old, a resident of California, and not serving a state or federal prison term may register to vote and vote.
- 2) Requires every active registered voter to receive a VBM ballot for any election.
- 3) Requires election officials to begin mailing a VBM ballot no later than 29 days before Election Day.
- 4) Provides a VBM ballot is timely cast if it is received by the voter's elections official by mail no later than seven days after Election Day and is postmarked or time/date stamped on or before Election Day.
- 5) Requires election officials to compare the voter's signature on the identification envelope with the voter's signatures on file upon receiving a VBM ballot.
- 6) Provides the following are applicable when comparing signatures on VBM envelopes and VBM related forms:
 - a) A presumption exists that the signature is the voter's signature.
 - b) An exact match is not required for an elections official to determine that a voter's signature is valid. The fact that signatures share similar characteristics is sufficient to determine that a signature is valid.
 - c) The elections official shall consider explanations for discrepancies between signatures and characteristics of the written signature that are specified in regulations promulgated by the Secretary of State (SOS). Explanations include a variation in signature style over time and the haste with which a signature is

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- written. Characteristics include the slant of the signature, letter formation, and whether the signature is printed or written in cursive.
- d) When comparing signatures, an elections official shall not review or consider a voter's party preference, race, or ethnicity.
- e) The variation of a signature caused by the substitution of initials for the first or middle name, or both, is not grounds for the elections official to determine that the signatures do not compare.
- f) A signature made using a mark such as an "X," or made by a signature stamp, shall be presumed valid and shall be accepted if the signature meets specified requirements.
- 7) Permits election officials to use facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with the law. Election officials may also use signature verification technology.
- 8) Provides that if an elections official determines the signatures compare, then the ballot is processed and counted.
- 9) Provides that if two additional election officials determines the signature does not compare to the signature(s) on file, the ballot is not processed or counted.
- 10) Permits a voter to cure a missing or noncomparing signature on a VBM envelope. This cure process includes the following procedures:
 - a) On or before the next business day after a determination that a voter's signature does not compare or is missing and no later than eight days prior to the certification of the election, the elections official shall send a mail notice to the voter of the opportunity to verify the voter's signature or provide a signature no later than 5 p.m. two days prior to the certification of the election. The notice shall include a return envelope, with postage paid, for the voter to return a signature verification statement.
 - b) If an elections official has a telephone number or email address on file for a voter whose signature does not compare or is missing, the elections official shall notify the voter by telephone, a text message, or email of the opportunity to verify the voter's signature. If an elections official calls the voter and the voter does not answer, the elections official shall attempt to leave a voicemail message.
 - c) The elections official may send additional written notices to a voter and may also notify the voter in person or by other means of the opportunity to verify the voter's signature.
 - d) If it is impracticable under the circumstances for the elections official to send the notice of a missing or noncamparing signature on or before the next business day, including in the event of technological failure, the elections official shall send the notice as soon as practicable, but not later than eight days prior to the certification of the election.

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e) The elections official shall not reject a VBM ballot identified if each of the following conditions is satisfied:

- i) The voter delivers, in person, by mail, by fax, by email, or by other means, a signature verification statement, an unsigned identification envelope statement, or a combined statement signed by the voter and the elections official receives the statement no later than 5 p.m. two days prior to the certification of the election, or the voter, before the close of the polls on election day, completes and submits a signature verification statement to a polling place within the county or a ballot dropoff box.
- ii) If upon conducting the comparison of signatures and the elections official determines the signatures compare, then the ballot is processed and counted. If the elections official determines that the signatures compare, the elections official shall use the signature in the signature verification statement, even if returned untimely, to update the voter's signature for future elections.
- iii) If a determination is made that the signatures do not compare, the identification envelope shall not be opened and the ballot shall not be counted.
- 11) Requires election officials to post updated election information at least once per week as it pertains to results, the number of ballots processed, the number of unprocessed ballots, and when the next results will be posted.

This bill:

- Requires a statement noting that the signature provided on VBM ballot envelopes and on signature cure forms needs to compare with the signature appearing in the voter's registration record.
- 2) Provides that a presumption exists that the signature on a signature cure form is the voter's signature and that the vote will be counted.
- 3) Prohibits an elections official from reviewing or considering the voter's identifying information, such as the voter's name, gender, or address or the amount of time spent reviewing a signature as a reason to flag a signature.
- 4) Provides that a signature cure form be sent to a voter with a signature issue after a final determination about a voter's signature is made.
- 5) Requires the notice and instructions for signature cure forms be posted on the SOS's website.
- 6) Requires election officials to post regulations or procedures about curing a signature on its website or provide upon request if the regulations or procedures differ from regulations promulgated by the SOS.
- 7) Specifies that a voter may work with nongovernmental entities to complete a signature cure form.

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8) Requires, upon being notified that a voter has moved to another county, an elections official to transfer all of the voter's signature data to the elections official in the new county.

- 9) Prohibits a person designated to return multiple cure statements from receiving compensation based on the number of statements being returned and for an individual, group, or organization from providing compensation on this basis.
- 10) Provides a person in charge of one or more signature cure statements who knowingly and willingly engages in criminal acts related to the cure statement is subject to the penal provisions and penalties of the Elections Code.
- 11) Requires the SOS to publish on its website a standard signature cure form and requires election officials to post their form(s) on its website and only accept official forms.
- 12) Specifies that the verification of signature on signature cure forms is observable by the public.
- 13) Requires election officials to post updated elections information two times by the following Thursday and at least twice a week thereafter, instead of once per week, as specified.

BACKGROUND

<u>Vote By Mail.</u> Californians have increasingly relied on VBM ballots to cast a vote. According to the SOS's office, the 1962 general election saw 2.63 percent of Californians vote by mail. For the 2024 presidential general election, 80.76 percent of Californians voted by mail. This massive increase in mail voting over the past 60 years is a result of many factors ranging from legislation expanding access to VBM ballots, paid postage on return envelopes, and additional elected offices resulting in longer, sometimes more complicated, and time-consuming ballots. Below is a table of recent statewide elections and the percentage of VBM ballots in that election:

Vote By Mail Ballots since 2012*								
		Primary		General				
Year	VBM	Total	Percentage	VBM	Total	Percentage		
	Ballots	Ballots Cast		Ballots	Ballots Cast			
2012	3,471,570	5,328,296	65.15%	6,753,688	13,202,158	51.16%		
2014	3,096,104	4,461,346	69.40%	4,547,705	7,513,972	60.52%		
2016	5,036,262	8,548,301	58.92%	8,443,594	14,610,509	57.79%		
2018	4,834,975	7,141,987	67.70%	8,302,488	12,712,542	65.31%		
2020	6,982,750	9,687,076	72.08%	15,423,301	17,785,151	86.72%		
2021	Statewide Special Election			11,733,429	12,892,578	91.01%		
2022	6,647,212	7,285,230	91.24%	9,755,198	11,146,620	88.64%		
2024	6,841,984	7,719,218	88.64%	13,034,378	16,140,044	80.76%		

^{*}Data compiled from reports from the SOS's website.

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AB 37 (Berman), Chapter 312, Statutes of 2021, made permanent COVID-era legislation that required a VBM ballot be sent to every active registered voter prior to an election. As a result, today, all voters receive a VBM ballot and can choose how to return it. The VBM ballot can be mailed back to the elections official, placed in a ballot drop-off box/location, or dropped off at a polling location. If a VBM ballot is mailed, the ballot needs to be postmarked by Election Day and received within seven days of Election Day.

2024 November General Election. In 2024, the Legislature passed and the Governor signed AB 3184 (Berman), Chapter 437, Statutes of 2024. AB 3184 made various changes to the signature curing process, such as creating a combined signature verification form and clarifying what information about voters needing to cure a signature was made available. Among the provisions of the bill, it prohibited county election officials from certifying the results of the election prior to the 28th calendar day following the election, unless certain conditions were met. As a result and keeping with the existing practice of having a signature cure form deadline two days before certification of an election, county election officials were required to accept a completed signature verification statement, unsigned identification envelope statement, or combined signature verification, until 5 p.m. on the 26th calendar day following the election.

<u>Signature Verification and Voter Identity.</u> Election officials determines a voter's identity by comparing the signature on the VBM ballot return envelope with the signature from the voter's registration or from a form issued by the elections official containing the voter's signature. The accepted signature becomes part of the voter's registration record.

In addition to the parameters specified in the Elections Code surrounding the comparison of signatures, the SOS provides counties additional parameters when comparing signatures, including:

- Permitting the elections official to consider the following characteristics when visually comparing a signature to determine whether the signatures are from the same signer:
 - a) Slant of the signature.
 - b) Whether printed or in cursive.
 - c) Size, proportions, or scale.
 - d) Individual characteristics, such as how the "t's" are crossed, "i's" are dotted, or loops are made on the letters f, g, j, y, or z.
 - e) Spacing between the letters within the first and/or last name and between first and last name.
 - f) Line direction.
 - g) Letter formations.
 - h) Proportion or ratio of the letters in the signature.
 - i) Initial strokes and connecting strokes of the signature.
 - j) Similar endings such as an abrupt end, a long tail, or loop back around.
 - k) Speed of the writing.
 - I) Presence or absence of pen lifts.
 - m) Misspelled names.

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n) Factors applicable to a particular voter, such as the age of the voter, the age of the signature(s) contained in the voter's record, the possibility that the voter is disabled, the voter's primary language, and the quality of any digitized signature(s) contained in the voter's record.

- 2) Requires election officials to consider as explanations for the following discrepancies in signatures:
 - a) Evidence of trembling or shaking in a signature could be health-related or the result of aging.
 - b) The voter may have used a diminutive of their full legal name, including, but not limited to the use of initials, or the rearrangement of components of their full legal name, such as a reversal of first and last names, use of a middle name in place of a first name, or omitting a second last name.
 - c) The voter's signature style may have changed over time.
 - d) The signature on the VBM identification envelope or provisional ballot envelope may have been written in haste.
 - e) A signature in the voter's registration file may have been written with a stylus pen or other electronic signature tool that may result in a thick or fuzzy quality.
 - f) The surface of the location where the signature was made may have been hard, soft, uneven, or unstable.

If the signature on the VBM envelope compares, then the VBM ballot is counted. Alternatively, if the elections official makes the determination that the signature does not compare and two additional election officials find beyond a reasonable doubt that the signature does not compare, then the voter is contacted and provided an opportunity to remedy the situation.

<u>Signature Curing.</u> If a signature from the VBM identification envelope is missing or does not compare to the signature on the voter's file, then the elections official notifies the voter that they may fix or "cure" their signature. On or before the next business day, the elections official mails a notice, a statement, and a return envelope to the voter. The statement could be one of three options: (1) signature verification statement for noncomparing signatures, (2) unsigned verification envelope statement, or (3) a combined statement. Additionally, if the elections official has a phone number or email address on file for the voter, then the official is required to call, text, or email the voter. The elections official has until eight days prior to certification of the election to mail these notices and cure statements.

The voter has until two days before certification to return the cure statement to the elections official. If the voter's signature on the cure form compares to the signature(s) on file, then the form is accepted and the VBM ballot is counted. The elections official also updates the signature for future elections, even if the voter returns the form after the deadline.

Specific processes and deadlines are ultimately left to each of California's 58 counties, because each county administers its own elections. Though the process is similar throughout the state, there are 58 different ways elections are conducted. The signature cure process is not an exception. This includes, but is not limited to, how and when VBM ballots are processed, how voters are notified, how many times a voter is

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notified, what types of forms are used (single versus combined form), and what type of follow-up with voters occurs after the election is certified.

<u>Ballot Rejection.</u> A number of VBM ballots are rejected at every election for various reasons. A rejected ballot is a ballot that was not counted because of a missing signature, a noncomparing signature, the ballot was missing from the envelope, multiple ballots were returned in one envelope, the ballot was not received on time, the voter already voted, or there is a missing or incorrect address on the envelope. A ballot can also be rejected if a voter did not provide their driver's license number, identification card number, or last four digits of their social security number when registering to vote and did not provide a form of identification when voting for the first time. Below is data relating to VBM ballots that missed the seven-day deadline relative to the total number of VBM ballots rejected by statewide election.

VBM Rejected Ballots Statistics*			
Election	Total Number of	Total Number of	Rejected for Late
	VBMs Accepted	VBMs Rejected**	Arriving Ballots
2020 Primary	6,958,885	102,428	70,330^
2020 General	15,393,834	86,401	15,040^^
2022 Primary	6,664,084	105,818	69,914
2022 General	9,755,198	120,609	57,764
2024 Primary	6,855,272	108,982	75,858
2024 General	13,034,378	122,480	33,016

^{*}Data compiled from reports from the SOS's website.

COMMENTS

- 1) Author's Statement. Recent experience has shown that signature curing is rapidly becoming an integral part of political campaigns in California. As this area of campaign practice develops, it is clear that the existing laws governing signature curing contain several areas of ambiguity that threaten to create confusion for voters, invite abuse of the rules by bad actors, and undermine public confidence in our election results. This bill will help provide clarity and guidance to political campaigns, as well as consistency and transparency to the public, about the signature curing process by making several reforms to how the process works. SB 3 will also build upon the work of my AB 63 from 2023 by making clarifications about how and how often county registrars must report election results to the public online.
- 2) <u>Senate Informational Hearing.</u> On March 18, 2025, the Senate Committee on Elections and Constitutional Amendments held an informational hearing on the signature curing process. The hearing was intended to inform the Senate on the different ways counties verify a signature on a VBM return envelope and contact a voter to cure a signature issue. The goal was to learn ways to improve VBM ballot processing, thereby enhancing the voter experience and helping counties expedite the overall vote count. The hearing included perspectives, insight, and

^{**}Total number of ballots rejected includes all circumstances, beyond a late-arriving VBM ballot.

[^]Deadline for a ballot to be received by an elections official with a postmark of Election Day was three days after Election Day.

^{^^}Deadline for a ballot to be received by an elections official with a postmark of Election Day was 17 days after Election Day.

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recommendations from the SOS's office, county election officials, stakeholders, and political attorneys. These panelists provided insights and thoughts about the role of the SOS and county election officials in the signature curing process.

RELATED/PRIOR LEGISLATION

AB 827 (Berman) of 2025 makes changes to signature cure deadlines for election officials to provide notice and for voters to verify their signature. The bill also allows VBM ballot dropboxes to be used for signature cure forms and makes other changes to the signature cure process. The bill is pending in the Assembly Committee on Elections.

AB 3184 (Berman), Chapter 312, Statutes of 2024, made various changes to the signature curing process, such as creating a combined signature verification form and clarifying what information about the voter needing to cure a signature was made available. The bill prohibited a county elections official from certifying the results of the election prior to the 28th calendar day following the election as well as establishing a uniform deadline of 26 days after the election for signature cure forms for the 2024 November general election.

SB 77 (Umberg), Chapter 701, Statutes of 2023, required election officials to notify a voter by telephone, text message, or email of the opportunity for a voter to verify their signature if the voter's signature did not compare to the signature on file, or to provide a signature if the voter's signature was missing.

AB 63 (Cervantes), Chapter 514, Statutes of 2023, required election officials to update election results at least once a week until the results are complete.

SB 503 (Becker), Chapter 319, Statutes of 2021, required election officials to apply certain presumptions about a voter's signature when comparing a signature on a VBM ballot envelope.

SB 523 (McGuire), Chapter 568, Statutes of 2019, required counties to notify a voter whose signature is missing on a VBM identification envelope and aligned the timeline for notices and the submission of an unsigned VBM ballot envelope with the deadlines established for mismatching signatures, as specified.

SB 759 (McGuire), Chapter 446, Statutes of 2018, permitted a voter whose signature on their VBM ballot identification envelope does not match the signature on file in the voter's record to return a completed signature verification statement in order to have their ballot counted, as specified.

POSITIONS

Sponsor: Author

Support: Disability Rights California

Oppose: None received

-- END --

Senator Sabrina Cervantes, Chair 2025 - 2026 Regular

Bill No: SB 91 Hearing Date: 4/29/25

Author: Cervantes Version: 3/25/25

Urgency: No **Fiscal**: No

Consultant: Scott Matsumoto

Subject: Elections: tie votes

DIGEST

This bill allows the Secretary of State (SOS) to break tie votes at any of their office locations.

ANALYSIS

Existing law:

- 1) Provides different methods for resolving a tie between candidates receiving the most votes in a state or local election, which may include determining the tie by lot or holding a special runoff election between the tied candidates.
- 2) Provides that if a specific multicounty contest is tied and a special runoff election is not scheduled, the SOS shall summon the candidates to the SOS's office at the State Capitol to resolve the tie by lot.

This bill permits the SOS to break a tied contest at any of the SOS's office locations.

BACKGROUND

<u>"State Capitol."</u> According to the Merriam-Webster Dictionary, "capitol" is capable of both a narrow and broad meaning. It may mean a "building in which a state legislative body meets" or, more broadly, a "group of buildings in which the functions of state government are carried out." No court cases explore which meaning of "State Capitol" was intended by the Elections Code, but other state laws seem to adopt the narrower meaning of a "building which is intended primarily for use of the legislative department and situated in the area bounded by 10th, L, 15th, and N Streets in the City of Sacramento."

Discerning between these definitions is potentially relevant because the SOS has an office in downtown Sacramento near, but not in the same building, as where the Legislature meets. Over 100 years ago, when the statutory provisions addressing tied elections were first adopted, the SOS had an office on the first floor of the 1874 State Capitol building. Today, the SOS's former office is an exhibit of the California Capitol Museum. According to the Museum's website, the SOS ceased to occupy that office in 1975.

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Other SOS Offices. The SOS also has an office in Los Angeles.

COMMENTS

<u>Author's Statement.</u> This bill allows the SOS to conduct tie-breaking proceedings for certain multi-county elections at any of the Secretary's offices in the state, rather than at the State Capitol in Sacramento as existing law currently requires. In addition to being more flexible and efficient, the bill recognizes the reality that the SOS no longer has an office in the Capitol as was the case in the 19th century and at the turn of the 20th. This practical update reduces the burden on candidates and makes tie-breaking proceedings more accessible to the public.

RELATED/PRIOR LEGISLATION

SB 821 (Glazer) of 2023 would have allowed tie-breaking determinations occur at any of the SOS's offices. The bill passed the Senate, but was amended to another elections-related subject in the Assembly.

SB 558 (Breed), Chapter 35, Statutes of 1919, required tied votes in specific multicounty jurisdictions to be determined by lot by requiring the SOS to summon the candidates to appear at the SOS's office at the State Capitol.

POSITIONS

Sponsor: Author

Support: None received

Oppose: None received

-- END --

Senator Sabrina Cervantes, Chair 2025 - 2026 Regular

Bill No: SB 266 Hearing Date: 4/29/25

Author: Cervantes Version: 3/24/25

Urgency: No Fiscal: Yes

Consultant: Scott Matsumoto

Subject: Elections: language accessibility

DIGEST

This bill requires additional duties for the Secretary of State (SOS) and county election officials relating to translated election materials, such as votable ballots.

ANALYSIS

Existing federal law:

- 1) Requires a state or a political subdivision of a state to provide voting materials in the language of a minority group when that group within the jurisdiction has an illiteracy rate higher than the national illiteracy rate, and the number of United States citizens of voting age in that single language group within the jurisdiction either:
 - a) Numbers more than 10,000;
 - b) Makes up more than 5% of all voting age citizens; or
 - c) On an Indian reservation, exceeds 5% of all reservation residents.
- 2) Requires a state or political subdivision of a state to provide voting materials in the language of a minority group when:
 - a) Over 5% of the voting age citizens were, on November 1, 1972, members of a single language minority group;
 - Registration and election materials were provided only in English on November 1, 1972; and
 - c) Fewer than 50% of the voting age citizens were registered to vote or voted in the 1972 Presidential election.
- 3) Defines language minorities or language minority groups, for the purposes of the above provisions, to mean people who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage.

Existing state law:

- 1) Declares the intent of the Legislature that non-English-speaking citizens be encouraged to vote and appropriate efforts should be made to minimize obstacles to voting by citizens who lack sufficient skills in English to vote without assistance.
- 2) Requires election officials to make reasonable efforts to recruit poll workers who are fluent in a language if at least 3% of the voting age residents in any precinct are fluent in that language and lack sufficient skills in English to vote without assistance.
- 3) Requires two facsimile ballots and related instructions to be available at a polling place in Spanish or other languages for which the SOS has determined at least 3% of the voting age residents in a county or precinct are members of a single language minority and lack sufficient skills in English to vote without assistance. Four facsimile ballots and related instructions must be available at a polling place in Spanish or other languages in which the SOS has determined more than 20% of voting age residents in a county or precinct are members of a single language minority and lack sufficient skills in English to vote without assistance.
- 4) Requires a county that conducts elections using vote centers pursuant to the California Voter's Choice Act (VCA) to provide language assistance, translated election materials, and information regarding the availability of language assistance in all languages required in the jurisdiction.
- 5) Requires VCA counties to establish language accessibility advisory committees (LAAC).
- 6) Provides a county elections official is not required to provide facsimile copies of the ballot in a particular language if they are required to provide translated ballots in that language pursuant to federal law.
- 7) Requires the SOS to establish a statewide LAAC to help it implement federal and state laws relating to access to the electoral process by limited English proficiency voters.

This bill:

- 1) Requires the SOS to determine the number of voting age residents in each precinct who are members of a single language minority group and who lack sufficient skills in English to vote without assistance.
- 2) Requires the SOS to make publicly available online a list of languages used by single language minority groups that make up 3% or more of the voting-age residents of a particular county or precinct who lack sufficient skills in English to vote without assistance.
- 3) Provides that if interested citizens or organizations give the SOS sufficient reason to believe there is a need for furnishing translated ballots, then the SOS shall find the need to provide translated ballots and election materials in the applicable language in the affected voting location.

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- 4) Requires, beginning January 1, 2030, election officials in counties and municipalities to provide ballots, notices, instructions, and language services in English and in the applicable language(s) using the language determinations required in 2) and 3) of this bill.
- 5) This bill also requires election officials in counties and municipalities to provide information on their website on how a voter may request a vote by mail ballot in an applicable language.
- 6) Permits the SOS to adopt regulations for the purposes of this bill and to provide guidance to county and municipal election officials for its administration.

BACKGROUND

<u>Federal Voting Rights Act of 1965 (VRA).</u> In 1965, Congress passed and President Johnson signed the VRA. The VRA provides, among other provisions, that "[n]o voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge that right of any citizen of the United States to vote on account of race or color."

In 1975, Congress adopted the language minority provisions of Sections 4(f)(4) and 203 of the VRA and extended these provisions in 1982, 1992, and 2006. Sections 4(f)(4) and 203 provides when a covered state or political subdivision "[p]rovides registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language." These determinations are based on data from the most recent census.

In 2013, the United States Supreme Court in *Shelby County v. Holder* (2013) 570 U.S. 529, invalidated the formula used to determine which jurisdictions are subject to the language requirements in Section 4(f)(4) of the VRA, and the VRA has not been amended since then to create a new formula. As a result, while Section 4(f)(4) remains a part of the VRA, no jurisdictions are required to provide language assistance under its provisions. California jurisdictions that likely would have been required to provide language assistance pursuant to Section 4(f)(4) under the prior coverage formula are still required to provide language assistance under Section 203 or under state law to at least some precincts within those jurisdictions.

<u>Census Data.</u> On December 8, 2021, the United States Census Bureau released its most recent determination of minority language requirements under Section 203 of the VRA. California is required to provide bilingual voting assistance to Spanish speakers in all elections throughout the state, and nine counties (Alameda, Contra Costa, Los Angeles, Orange, Sacramento, San Diego, San Francisco, San Mateo, and Santa Clara) are required to provide voting materials in at least one language other than English and Spanish.

State law requires the SOS, in each gubernatorial election year, to determine the precincts where 3% or more of the voting age residents are members of a single language minority group and lack sufficient skills in English to vote without assistance. According to a memo from the SOS from December 31, 2021, the office contracted with

the California Statewide Database at the University of California, Berkeley to determine which precincts have reached the 3% threshold for single language minorities.

Due to stricter census privacy disclosure rules, counties saw a major reduction in populations that meet the 3% threshold, meaning ballots and other election materials will need to be translated into fewer languages. The memo encouraged counties to work with community groups to determine if a need exists for any of the previously covered languages before eliminating the use of materials in languages.

On March 1, 2022, the SOS essentially reversed course and reinstated the prior precinct minority language determinations. The SOS found sufficient reason to believe it was necessary to reinstate the 2017 and 2020 minority language assistance determinations to ensure communities have access to language assistance services.

California Voting for All Act & Previous Legislation. In 2017, in an effort to reduce barriers and improve language access and assistance for voters who identify as limited-English proficient voters, the Legislature approved and Governor Brown signed AB 918 (Bonta), Chapter 845, Statutes of 2017. AB 918 expanded the availability and accessibility of facsimile ballots in languages other than English in situations where such facsimile ballots are required to be made available pursuant to existing law.

During the 2023-24 legislative session, AB 884 (Low) of 2024 would have required the SOS to make additional language determinations and would have required the translation of additional election-related materials, such as forms and ballots. Governor Newsom vetoed AB 884. The Governor's veto message included the following:

While I support the author's goal of expanding language access and resources in our elections, this bill would create new, ongoing general fund cost pressures in the tens of millions of dollars not included in the 2024 Budget Act. In partnership with the Legislature this year, my Administration has enacted a balanced budget that avoids deep program cuts to vital services and protected investments in education, health care, climate, public safety, housing, and social service programs that millions of Californians rely on. It is important to remain disciplined when considering bills with significant fiscal implications that are not included in the budget, such as this measure. For this reason, I cannot sign this bill.

COMMENTS

- 1) <u>Author's Statement.</u> One of the reasons California is the Golden State is the incredible diversity of our population. We must continue to embrace our state's diversity, not run from it. Whether a lawfully registered voter in California speaks and reads English or not, they should have a voice in our government. This bill will help more than 3.2 million lawfully registered voters in California who self-identify as limited-English proficient to cast a ballot by making translated election materials available to more California voters.
- 2) What is Different? Under current law, county election officials are required to create translated facsimile ballots for voters using language determinations that are more stringent than those used in federal law. This bill eliminates the facsimile ballot

- requirement and, replaces it with a requirement that the voter be given a translated ballot to cast their vote beginning in 2030.
- 3) <u>Logistical Concerns.</u> When election officials are required to provide translated materials pursuant to federal law, the officials must translate all election related materials, including ballots and voter information guides. When election officials are required to provide language assistance under state law, the type of assistance required is more limited.

The bill expands the number of election materials that must be translated to include forms, voting notices, and instructions and assistance forms if certain conditions are met. Increasing the amount of election materials to be translated and the number of translated languages likely will improve accessibility to the election process, but also create logistical, timeline, and resource concerns. Due to the limited number of translation vendors, the SOS and many counties already use the same vendors to prepare translated materials. As a result, getting a translation services contract may be even more challenging and would add more time to an already compressed election calendar.

- 4) Vote Center Counties. Under the bill, county election officials would be required to provide translated ballots and other election materials for individual and specific precincts in a language other than English as determined by the SOS. This may work well in counties that use traditional polling locations where a voter has an assigned polling place. In counties that conduct elections using the VCA, voters are not assigned to a specific precinct-based polling location and can choose to vote at any polling location within the county. To provide adequate language services under this bill, a county may need to translate every ballot type for that election in an applicable language because of the voter's ability vote at any voting location within the county. Similar to the previous comment, this has the potential to create logistical challenges for counties.
- 5) <u>Suggested Amendment Applicable Elections Officials.</u> This bill provides additional duties for the SOS, county election officials, and municipal election officials. Special districts and school boards may have their own elections official and have the ability to conduct their own elections. To ensure a uniform process and encompass every type of election, the committee suggests that the bill be amended to include all elections and election officials.

RELATED/PRIOR LEGISLATION

AB 72 (Jackson) of 2025 requires election officials to provide registration notices, forms, instructions, assistance, ballots, and other materials or information relating to the electoral process in Bengali, if requested by a voter. The bill is pending in the Assembly.

AB 884 (Low) of 2024 would have required the SOS to make additional language determinations and the translation of additional election-related materials, such as forms and ballots. AB 884 was vetoed by Governor Newsom.

AB 1631 (Cervantes), Chapter 552, Statutes of 2022, required a county elections official to post on their website a list of all polling places where multilingual poll workers will be present and the language or languages in which they will provide assistance. It also required county election officials to use the internet in their efforts to recruit multilingual poll workers.

AB 918 (Bonta), Chapter 845, Statutes of 2017, expanded the availability and accessibility of facsimile ballots in languages other than English in situations where such facsimile ballots are required to be made available pursuant to existing law.

POSITIONS

Sponsor: Asian Law Caucus

California Common Cause

Partnership for the Advancement of New Americans

Support: AAPIs for Civic Empowerment

ACLU California Action African Advocacy Network

Asian Americans Advancing Justice Southern California

Asian Law Alliance

Black Women Organized for Political Action

California Black Power Network California Clean Money Campaign California Immigrant Policy Center

Canal Alliance

Chinese for Affirmative Action

Council on American-Islamic Relations

Courage California Ella Baker Center

Indivisible Resistance San Diego

Lawyers' Committee for Civil Rights of the San Francisco Bay Area

League of Women Voters of California

Mexican-American Legal Defense and Educational Fund (MALDEF)

Pillars of the Community

Showing up for Racial Justice San Diego (SURJ-SD)

Universidad Popular

Viet Voices

Oppose: Election Integrity Project California, Inc.

Senator Sabrina Cervantes, Chair 2025 - 2026 Regular

Bill No: SB 321 Hearing Date: 4/29/25

Author: Cervantes Version: 3/17/25

Urgency: No Fiscal: Yes

Consultant: Carrie Cornwell

Subject: Late signature curing expenditure reports

DIGEST

This bill requires campaign committees to report within 24 hours any expenditures made to address unsigned, or signed but unverified, vote by mail (VBM) ballot envelopes.

ANALYSIS

Existing law:

- 1) Ensures that every registered voter in California receives a VBM ballot with a postage-paid return envelope 29 days prior to Election Day.
- 2) Requires that the voter sign the envelope when returning a ballot and that signature compares with the signature in the voter's file in order for the county elections official to count the votes.
- 3) Directs the county registrar of voters to verify signatures on VBM envelopes before counting the ballots contained therein and if a signature cannot be verified, to notify the voter and follow a prescribed process to resolve the problem.
- 4) Defines a "late independent expenditure" as an independent expenditure of \$1,000 or more made for or against a candidate or ballot measure during the 90 days before an election or on Election Day.
- 5) Requires campaign committees that make late independent expenditures to report them within 24 hours of the expenditure. In addition to its own name and street address, the campaign committee shall report:
 - a) The name, office, and district of the candidate, or the number or letter and jurisdiction of the ballot measure to which the late expense is related.
 - b) The amount spent, the date of the expenditure, and a description of the goods or services for which it was spent.
- 6) States that a campaign committee that makes any late expenditures must report those in the same places it would file campaign statements if it were formed primarily to support or oppose a candidate or ballot measure.

This bill:

- 1) Defines a "late signature curing expenditure" as an expenditure made after Election Day and before the certification of election results by a campaign committee to contact a person about a signature verification or an unsigned ballot envelope.
- 2) Requires that late signature curing expenditures be reported within 24 hours of the expenditure.
- 3) Requires that in addition to its own name and street address, the campaign committee shall report:
 - a) The name, office, and district of the candidate, or the number or letter and jurisdiction of the ballot measure to which the late signature curing expense is related.
 - b) Whether the expense was made in support or opposition of the candidate or ballot measure.
 - c) The amount spent, the date of the expenditure, and a description of the goods or services for which it was spent.
- 4) States that a campaign committee that makes any late signature curing expenditures must report those in the same places it would file campaign statements if it were formed primarily to support or oppose a candidate or ballot measure.

BACKGROUND

Since the beginning of VBM ballots, Californians have increasingly relied on them to cast votes. The Secretary of State's office reports that in the 1962 general election fewer than 3% of Californians voters voted by mail. By the 2024 general election, that number had risen to over 80%. This massive increase in voting by mail over the past 60 years is a result of many factors ranging from legislation expanding access to VBM ballots, paid postage on return envelopes, and additional elected offices resulting in longer, sometimes more complicated, and time-consuming ballots.

AB 37 (Berman), Chapter 312, Statutes of 2021, made permanent COVID-era legislation that required a VBM ballot be sent to every active registered voter prior to an election. As a result, today, all voters receive a VBM ballot and can choose to return it by mailing it back to the elections official, placing it in a ballot drop-off box/location, or dropping it off at a polling location.

Voters submitting a VBM ballot sign the ballot return envelope, and local election officials verify the signature on every envelope. To do so, the elections official compares the signature on the envelope with the signature from the voter's registration or from a form issued by the elections official that contains the voter's signature and is part of the voter's registration record. This is how the elections official determines a voter's identity.

A number of VBM ballots are rejected every election for a myriad of reasons, including because of a missing signature or a noncomparing signature. In the 2024 general election, 13,034,378 ballots were cast, of which 122,480 were rejected after the curing period. Of those rejected, 13,556 were rejected for no signature on the envelope and 71,381 were rejected due to a noncomparing signature.

If a signature from the VBM identification envelope is missing or does not compare to the signature on the voter's file, then the elections official notifies the voter and includes a process to fix or "cure" the signature. On or before the next business day, the elections official mails a notice, a statement, and a return envelope to the voter. The statement could be one of three options: (1) signature verification statement for noncomparing signatures, (2) unsigned verification envelope statement, or (3) a combined statement. Additionally, if the elections official has a phone number or email address on file for the voter, then the official is required to call, text, or email the voter.

The voter has until two days before certification of the election to return the cure statement to the elections official. If the voter's signature on the cure form compares to the signature(s) on file, then the form is accepted and the VBM ballot is counted. The elections official also updates the signature for future elections, even if the voter returns the form after the deadline.

During the period from Election Day until cure forms must be returned, campaign committees in close races continue to expend funds on voters to cure their signatures, focusing on those voters that campaigns suspect would have voted their way.

COMMENTS

- 1) Author's Statement. Signature curing is rapidly becoming an integral part of political campaigns in California. Several high-profile races with high stakes, which include determining the partisan makeup of the U.S. House of Representatives or the State Legislature, have been decided by margins where signature curing may have been decisive. Because the period to file 24-hour reports with the Secretary of State ends on Election Day for many types of committees, the public enjoys little transparency about post-Election Day signature curing activities undertaken by campaigns in close races. This can contribute to disinformation and undermine public confidence in election results. This bill will provide the public with needed transparency regarding signature curing by requiring any committee to report their expenditures relating to signature curing within 24 hours during the period after Election Day but before the certification of the results.
- 2) March 18 Informational Hearing. This committee held an informational hearing on March 18th entitled "Ensuring Every Vote Counts: California's Signature Curing Process," which examined the processes by which Californians can cure a nonconforming signature on a VBM envelope or an unsigned envelope. Much of the testimony at the hearing pointed toward the need for uniformity and transparency among counties in how they conduct the signature curing process. Comments from witnesses included references to campaign committees contacting voters and the need for greater transparency around that occurrence.

POSITIONS

Sponsor: Author

Support: None received

Oppose: None received

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Senator Sabrina Cervantes, Chair 2025 - 2026 Regular

Bill No: SB 851 Hearing Date: 4/29/25 Author: Committee on Elections and Constitutional Amendments

Version: 2/27/25

Urgency: No Fiscal: No

Consultant: Scott Matsumoto

Subject: Elections.

DIGEST

This omnibus bill makes various changes to the Elections Code.

ANALYSIS

Existing law:

- 1) Requires local districts, cities, or other political subdivisions to file a resolution with the board of supervisors *and* a copy with the county elections official containing information about the local jurisdiction's election at least 88 days prior to the date of the election. This resolution must include a request that the district, city, or other political subdivision election be consolidated with the statewide election.
- 2) Permits the governing body of local districts, cities, or other political subdivisions to authorize the board of supervisors to canvass the returns of an election.
- 3) Requires county election officials to provide between six and 12 instruction cards to each polling location for the guidance of voters in obtaining and marking their ballots.
- 4) Requires the precinct board to proclaim aloud that the polls have opened and closed. A "precinct board" is defined as "the board appointed by the elections official to serve at a single precinct or a consolidated precinct." A "precinct board member" is defined as "a member of the precinct board and includes an election officer."

This bill:

- 1) Permits local districts, cities, or other political subdivisions to file the resolution with only the elections official if, at least 88 days before the date of the election, either of the following requirements are met:
 - a) The elections official provides the resolution to the board of supervisors.
 - b) The board of supervisors authorizes the elections official to receive resolutions and consolidate elections without seeking new approval by the board of supervisors for each election.

- 2) Provides that the county elections official, instead of the board of supervisors, is authorized to canvass the returns of a local election.
- 3) Removes the limitation of 12 instruction cards to be at each polling location.
- 4) Specifies that a precinct board member, instead of the precinct board, is required to proclaim aloud that the polls have opened and closed.
- 5) Makes technical changes.

BACKGROUND

<u>Filing Resolutions.</u> Current law requires that a jurisdiction calling for an election do so by filing the original resolution with the board of supervisors and a copy with the elections official. While jurisdictions may only deliver one resolution to one of the two locations, delivering to both may be a burden and confusing to jurisdictions as the entities may exist in separate buildings. As a result, a jurisdiction delivering a resolution to only one of the two entities could be legally challenged even if accepted by an elections official.

<u>Who Canvasses?</u> Current law allows entities to authorize county boards of supervisors to canvass the returns of the election. This conflicts with other provisions of the Elections Code relating to the canvass and the duties of county election officials. For example, the elections official is required to report the final results of an election to the governing board. If a county board of supervisors is the governing board being elected, the county elections official has the responsibility for conducting the canvass, as the governing board cannot report to itself. This could lead to confusion and unnecessary involvement of boards of supervisors in the election canvass process.

Polling Place Materials and Why 12 Instruction Cards. In addition to instruction cards, current law requires election officials to provide specific informational and administrative materials to each polling place. These are mandated materials from either the Secretary of State or a county elections official. Some of the materials sent to a polling place include an accessible copy of the voter list, an American flag, a ballot container, a sufficient number of cards on how to obtain information about a voter's polling place, name badges, ballots, facsimile copies of the ballot, translated materials for voters, a roster, and various notices relating to election and voting procedures.

Each instruction card is required to have specified instructions and provisions of the Elections Code related to obtaining and marking a voter's ballot. Provisions on the instruction card include Election Day procedures, issuing a ballot, instructions for marking and submitting a ballot, procedures following the closure of a polling place, and Penal Code provisions related to electioneering, vandalism, and voting.

The range of at least six and not more than 12 instruction cards was implemented in 1945 pursuant to AB 586 (Robertson), Chapter 580, Statutes of 1945. Since 1945, while the range of six to 12 instruction cards has remained the same, the wording for where these instruction cards are sent was changed through subsequent legislation to "polling places" and includes polls, polling locations, and vote centers. For vote centers, in particular, there may be more than 12 voting stations at a location.

<u>Precinct Boards.</u> A member of the precinct board proclaims aloud that fact (sometimes with a bell) when the polls open and close. This bill clarifies that the entire precinct board does not need to announce the opening or closing of a polling location since it is typically announced by an individual board member.

COMMENTS

<u>Committee Bill.</u> This bill is the Senate Committee on Elections and Constitutional Amendments' elections omnibus bill. This bill contains changes requested by the California Association of Clerks and Election Officials and by committee staff.

RELATED/PRIOR LEGISLATION

SB 729 (Glazer) of 2021 would have removed the limitation of 12 instruction cards. SB 729 was passed by the Senate, but was not heard by the Assembly.

SB 696 (Umberg) of 2019 would have removed the limitation of 12 instruction cards. SB 696 was amended in the Assembly to another elections-related subject.

AB 586 (Robertson), Chapter 580, Statutes of 1945, required the county clerk to furnish each precinct with not less than six nor more than 12 instruction cards.

POSITIONS

Sponsor: Author

Support: California Association of Clerks and Election Officials

Oppose: None received

Senator Sabrina Cervantes, Chair 2025 - 2026 Regular

Bill No: SB 852 Hearing Date: 4/29/25 Author: Committee on Elections and Constitutional Amendments

Version: 2/27/25

Urgency: No Fiscal: Yes

Consultant: Carrie Cornwell

Subject: Political Reform Act of 1974: amendments

DIGEST

This bill deletes the requirement for the Fair Political Practices Commission (FPPC) to distribute copies of bills that amend the Political Reform Act (PRA).

ANALYSIS

Existing law:

- 1) Creates the PRA, which establishes:
 - a) California's campaign finance and disclosure laws for state and local campaigns, candidates, officeholders, and ballot measures; and
 - b) The FPPC to implement and administer the PRA.
- 2) Allows the Legislature to amend the PRA provided that it does so:
 - a) By a two-thirds vote of each house and with the governor's signature;
 - b) With the final version of the bill in print for at least eight days prior to the final floor vote in each house, or 12 days if the final set of amendments add the PRA provisions:
 - c) In a manner that furthers the purposes of the PRA: and
 - d) After delivering the bill in its final form to the FPPC, which distributes it to the news media and to every person who has requested copies of such bills.
- 3) Requires Legislative Counsel to make available and expeditiously send email alerts advising that a bill to amend the PRA has been introduced, referred to committee, voted upon, amended, or acted upon by the governor.

This bill deletes the requirement for the FPPC to distribute copies of bills that amend the PRA.

COMMENTS

Committee Bill. This bill is the Senate Committee on Elections and Constitutional Amendments' PRA omnibus bill and contains a change to the PRA that the FPPC requested. This change eliminates the obsolete requirement for the FPPC to send a notification to subscribers to inform them of bills that would amend the PRA.

<u>Purpose of the Bill.</u> In accordance with the requirement in existing law, FPPC staff send manual notifications by email whenever a PRA bill is introduced or amended. Five individuals are currently signed up for this email list. As of January 1, 2024, leginfo.legislature.ca.gov has an automatic notice function for changes to all PRA bills as required by SB 681 (Allen), Chapter 499, Statutes of 2023. Due to the ease and speed of obtaining copies of bills online, and the ability to sign up for automatic updates through the Legislative Information website, this required notification is no longer necessary.

RELATED/PRIOR LEGISLATION

SB 681 (Allen), Chapter 499, Statutes of 2023, required Legislative Counsel to make available email alerts advising that a bill to amend the PRA has been introduced, referred to committee, voted upon, amended, or acted upon by the governor.

POSITIONS

Sponsor: Fair Political Practices Commission

Support: None received

Oppose: None received