
**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Steven Glazer, Chair
2023 - 2024 Regular

Bill No:	AB 773	Hearing Date:	6/6/23
Author:	Pellerin		
Version:	5/24/23		
Urgency:	No	Fiscal:	Yes
Consultant:	Karen French		

Subject: Elections: filings

DIGEST

This bill requires all arguments and rebuttals related to a ballot measure in a district or school district that encompasses more than one county to be submitted to a "lead county," as specified. This bill also requires a county elections official to post and accept an electronic submission of a form to be used by a candidate to submit a candidate statement for inclusion in the voter information guide. Finally, this bill allows a candidate running in a multicounty district to submit a hard copy of their candidate statement form by mail, instead of in person, as specified.

ANALYSIS

Existing law:

- 1) Authorizes a candidate for State Senate, State Assembly, or statewide elective office who accepts the voluntary expenditure limits, and a candidate for United States Representative to purchase the space to place a statement in the voter information portion of the county voter information guide, as specified.
- 2) Requires, if an elections official posts a form on their internet website to be used by candidates to submit candidate statements, as specified, that the official accept the electronic submission of that form if it is submitted in accordance with the times and procedures set forth in the Elections Code for the preparation of the voter information guide.
- 3) Requires the elections official of each county to accept the form from the candidate's county of residence if the candidate seeks office in a multicounty district, provided the candidate submits a hard copy of the candidate statement form and payment of the requisite fee to each county.
- 4) Prohibits the county elections official from requiring a candidate to submit any additional forms as a means of correcting internet website posting errors made by the elections official. Permits the elections official to require a candidate to provide additional information that the official needs to comply with state law and county voter information guide requirements.

- 5) Requires the elections official charged with the duty of conducting an election, based on the time reasonably necessary to prepare and print the arguments and voter information guides, to fix and determine a reasonable date before the election for the submission of an argument in favor of and against a district or school district measure, and rebuttal arguments.

This bill:

- 1) Establishes a “lead county” if the boundaries of a district or a school district contain more than one county. Defines a “lead county,” for the purposes of this bill, to mean the following:
 - a) For district elections, the county with the most voters within the district bounds.
 - b) For school district elections, the county whose superintendent of schools covers the district.
- 2) Requires the elections official for the lead county to work with the other counties within the district bounds to establish the deadlines for the submittal of arguments for and against a district or school district ballot measure and for rebuttal arguments.
- 3) Requires authors to submit arguments only to the lead county, and requires the lead county to select which arguments will be printed in the voter information guide in accordance with existing law. Requires the elections official for the lead county to electronically transmit a scanned copy of the selected arguments, along with any accompanying forms, to the elections official of each other county in the district or school district. Requires an elections official who receives arguments selected by the lead county to include the arguments in the printed and electronic versions of their county voter information guide.
- 4) Requires an elections official to post a candidate statement form on the official’s website and to accept the electronic submission of that form by candidates who wish to have a candidate statement in the voter information guide.
- 5) Deletes a provision of law that requires a candidate in a multicounty district to submit a hard copy of the candidate statement form and payment of any fee in person to each county, and instead requires an elections official, if a candidate is running in a multicounty district, to accept the electronic submission of the candidate statement form from the candidate’s county of residence, provided that the candidate transmits a hard copy of the candidate statement form, any accompanying form, and payment of the requisite fee to each county by overnight mail within 72 hours of filing the statement electronically.

BACKGROUND

Multicounty Local District and School District Ballot Measures. Existing law requires a local district or school district to determine a reasonable date before the election for the submission of arguments in favor of and against a local district or school district ballot measure. These filing deadlines can vary from jurisdiction to jurisdiction. For

multicounty ballot measures, this can cause confusion for ballot measure proponents and opponents and result in missed deadlines.

Multicounty Candidates. The provisions of this bill apply to candidates who seek election to Senate, Assembly, or United States House of Representative seat and who are running in Multicounty Districts. A majority of Assembly districts and about a third of Senate districts include only one county, so candidates in those districts only need to submit a candidate statement to a single county elections official in order to have that statement sent to all the voters in the district. Candidates who are running in districts that include multiple counties, however, must work individually with each county if they want their candidate statement to appear in the voter information guide in every county in the district. A candidate in a multi-county district can choose to submit a candidate statement only in certain counties in the district.

In an effort to address these concerns and provide greater ease in the candidate filing process for candidates that file in multiple counties, the Legislature approved and Governor Brown signed AB 666 (Aguiar-Curry), Chapter 160, Statutes of 2018, which required a county elections official, if they post a form on the Internet that candidates may use to submit their candidate statement, to accept that form if it is submitted in accordance with timelines and procedures in state law. Additionally, AB 666 required an elections official to accept an electronic candidate statement form from a candidate's county of residence for candidates who are running in multicounty districts. However, under existing law a candidate is still required to provide a hard copy of the candidate statement form and pay the required fee to each county in-person.

By requiring, rather than permitting, an elections official to post the form to be used by a candidate to submit a candidate statement on their internet website, this bill removes a requirement for a candidate to travel in person to each county to provide a hard copy of the candidate statement form and their required payment. This bill instead requires a candidate that submits their candidate filing statement electronically to also transmit a hard copy of the candidate statement form, any accompanying form, and payment of the requisite fee to each county by overnight mail within 72 hours of filing the statement.

According to county elections officials, in practice many county elections officials already make the electronic candidate statement forms available on their website. Moreover, receiving an electronic candidate statement form allows an elections official to reduce the potential for unintentional errors when retyping the statement for inclusion in the voter information guide.

COMMENTS

- 1) According to the author: Multicounty Senate and Assembly Districts can encompass as many as 13 counties and often cover vast expanses of geographic terrain. For individuals filing to run for state office, the current requirement for candidates to file hard copies of their candidate statement of qualification forms in each individual county can impose greater burdens than are necessary, including longer travel time and gas mileage. Additionally, under existing law, the same local measure can have different arguments for and against the measure printed in county voter guides, as well as inconsistent deadlines for filing.

AB 773 establishes a series of improvements to streamline the election filing process for both candidates and local measures to be printed on ballots. Specifically, this bill allows remote, electronic filing of candidate statement of qualification forms and establishes a lead county to oversee consistency for arguments and filing deadlines for multicounty local measures.

- 2) Potential concern. Under current law, proponents and opponents of multicounty ballot measures may submit different ballot arguments and rebuttals to different jurisdictions. This bill removes that option by having the lead county chose the arguments that would be uniform for all counties within a district.

RELATED/PRIOR LEGISLATION

SB 632 (Caballero of 2023) would allow a candidate running for elective office in a multicounty district to submit their candidate statement to the SOS for review and approval based on the statement’s conformance with state law. If approved by the SOS, each county official would be required to accept the approved statement and would be prohibited from requiring any modification to the approved language. The candidate is required to use the same statement in each county.

AB 666 (Aguiar-Curry), Chapter 160, Statutes of 2018, required a county elections official, if they post a form on the Internet that candidates may use to submit their candidate statement, to accept that form if it is submitted in accordance with timelines and procedures in state law. AB 666 also required an elections official to accept an electronic candidate statement form from a candidate's county of residence for candidates who are running in multicounty districts.

PRIOR ACTION

Assembly Floor:	70 - 0
Assembly Appropriations Committee:	14 - 1
Assembly Elections Committee:	8 - 0

POSITIONS

Sponsor: Author

Support: None received

Oppose: None received

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