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

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<b>Bill No:</b>	SB 386	<b>Hearing Date:</b>	4/18/23
<b>Author:</b>	Newman		
<b>Version:</b>	3/13/23		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
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**Subject:** Elections

**DIGEST**

This bill extends signature verification periods within which the election officials must complete their determination of the number of qualified signatures on various state and local petitions. This bill also requires city election officials to publish a public notice with specified city election information no later than three days before the deadline for nomination papers. Finally, this bill repeals obsolete ballot language as it relates to presidential elections.

**ANALYSIS**

Existing law:

- 1) Establishes procedures for the filing of a state initiative or referendum petition with county election officials and the Secretary of State (SOS) to determine the validity and numerical sufficiency of the signatures submitted with the petition. Provides, if the number of signatures filed with all county election officials is 100% or more of the number of signatures required, the SOS is required to immediately notify county election officials. Requires, within 30 days after this notice, excluding weekends and holidays, county election officials to verify that those signatures were provided by qualified voters, as specified.
- 2) Permits an election official to use a random sampling method to determine the number of qualified voters who signed a county, city, or special district initiative or referendum petition, or a local recall petition if the number of signatures on the petition exceeds 500. If an election official uses this method, and if a specified percentage of valid signatures is demonstrated, the election official must complete the determination of the number of qualified voters in the case of a county, city, or special district petition within 60 days of the date the petition was filed, as specified; and in the case of a local recall petition, within 30 days of the date the petition was filed, as specified.
- 3) Requires a person, in order to be included on the ballot as a candidate for municipal office, to obtain nomination papers from a city election official and submit the nomination papers with a requisite number of signatures no later than the 88th day before the election. Requires ballots to contain specified instructions for voters in presidential elections.

This bill:

- 1) Extends the signature verification period for state petitions from 30 to 60 days.
- 2) Extends the verification period for election officials using a random sampling method to determine the number of qualified voters who signed county, city, and special district initiative and referendum petitions from 60 to 90 days and for recall petitions from 30 to 60 days.
- 3) Requires city election officials to publish specified election information online no later than three days before the deadline for nomination papers, such as a list of open offices, where nomination papers may be obtained, and if there's no incumbent for an open office.
- 4) Mandates notifications about electoral guidelines be afforded to candidates seeking to run for office, as specified.
- 5) Repeals obsolete ballot language as it relates to presidential elections.

### **BACKGROUND**

Modernizing the Elections Code. By law, every ballot in California printed in presidential election years is required to have instructions informing voters of the process by which presidential electors are chosen. These instructions regarding the election of political party delegates and Presidential electors no longer apply to California elections. Continuing to provide these instructions lengthens the ballot, increases printing costs, and potentially places election officials and offices at risk of being respondents to lawsuits for noncompliance with the section. SB 386 removes this section of law.

Signature Verification Timelines. In order to file a petition to place a measure on the ballot, members of the public must collect signatures that are later verified by county elections offices. During election season, employees in county elections offices are responsible for counting and tabulating ballots at the same time that they are required to continue petition signature verification. This overlap has resulted in the need to hire supplemental staff and has the potential to delay the vote count. SB 386 extends the deadlines on signature verification for enabling election officials to manage resources more efficiently and reduce taxpayer costs.

City Election Information. When a candidate runs for office in California they are required to reside within the boundaries of the district that they are seeking to represent. Problems can surface when post census electoral maps are updated to reflect changes in population distribution, and a sitting officeholder loses his or her right to seek re-election because their residence is excluded from the newly drawn version of the jurisdiction. The Elections Code also provides when an incumbent decides not to run for re-election the deadline for eligible candidates to submit nomination papers is extended by five days. The extension may not be granted if "there is no incumbent eligible to be elected." This language has been interpreted as applying to the situation when the incumbent has been "redistricted out." SB 386 intends to reduce confusion by

requiring specified notifications about electoral guidelines on municipal websites at least three days prior to the filing deadline.

### **COMMENTS**

- 1) According to the author: SB 386 seeks to make three minor changes to California's Elections Code in the service of further ensuring transparency in the electoral process while more effectively stewarding the taxpayer dollars need for the conduct of elections.
- 2) Argument in Support. In a letter sponsoring SB 386, the California Association of Clerks and Election officials states, in part, the following:

*The California Association of Clerks and Election Officials Elections Legislative Committee is pleased to sponsor and support Senate Bill 386, a proposal to improve several elements of election administration, including petition examination, ballot instructions, and candidate nomination for city offices.*

*This proposal would provide county elections officials with 30 additional business days to verify the voter signatures when a full check of the petition is required.*

*SB 386 would require the city elections official to publish a public notice no later than 91 days before the election that announces whether an eligible incumbent has pulled nomination papers for the municipal office. This proposal would repeal antiquated instructions regarding the election of political party delegates and Presidential electors that no longer apply to California elections.*

- 3) Committee Comment. Extending the signature verification time period could result in measures being ineligible for the next election if proponents wait until the last day for submittal. Enactment of this bill would result in the need for proponents to make earlier submittals of proposed measures to the Attorney General requesting a circulating title and summary and earlier filings of the petition with county elections officials.

### **RELATED/PRIOR LEGISLATION**

AB 518 (Wilk) of 2023, requires election officials to submit certified statements of the results of an election on the 30th calendar day following the election. This bill is set for hearing by this committee on April 18, 2023.

AB 698 (Oberholte), Chapter 14, Statutes of 2019, codified an election officials' best practice to prohibit the invalidation of a signature on a state, county, municipal, or district initiative or referendum petition or a charter amendment petition because of a variation of the signature caused by the substitution of initials for the first or middle name, or both, of the person signing the petition.

AB 1020 (Ridley-Thomas), Chapter 728, Statutes of 2015, updated statutes and deleted numerous obsolete provisions within the Elections Code in anticipation of the deployment of the federally mandated VoteCal statewide voter registration database.

**POSITIONS**

**Sponsor:** California Association of Clerks and Election Officials

**Support:** City Clerks Association of California  
League of Women Voters of California

**Oppose:** None Received

**-- END --**