2023 LEGISLATIVE REFERENCE GUIDE TO CALIFORNIA ELECTION LAWS
Introduction

This Legislative Reference Guide to Election Laws has been prepared to provide you with a topline summary of measures chaptered in 2023 that affect the profession of California election officials. This guide will outline information in the following format:

- Legislation will be divided by subject matter, then ascending order from lowest number to highest (e.g., Subject, AB X, SB X)
- The bill number, author, and title of legislation (e.g., AB 1 (Doe) The Example of Elections Guide Act.
  - Note: A direct link to the full text of each bill is embedded in each bill number
  - Note: AB refers to a measure that was authored by an Assemblymember (e.g., AB XXX) and SB refers to a measure that was authored by a Senator (e.g., SB XXX)
- The chapter number refers to the order of which the bill was signed by the Governor and in the year that the newly enacted law was signed (e.g., Chapter XXX, statues 2023).
- If the measure has a sunset date—meaning the program or law has a predetermined date to expire.
- If the measure has an urgency clause—meaning that the law or program went into effect immediately upon the Governor’s signature.
- If the measure has a delayed implementation date—meaning that the bill becomes operative after January 1, 2024.
- Brief summary of measure including which code sections are modified or added
- If applicable, there may be a “considerations” section for certain bills to provide additional information. This will be indicated by ➢ followed by italicized text.

Legal Disclaimer

This guide in its entirety is intended solely as a reference guide and is not intended to serve as a legal analysis, opinion, or technical guidance. Please note that anyone using this guide bears full responsibility to make their own determinations as to all legal standards, duties and factual materials contained therein.
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Elections, Polling, and Ballots

**AB 63 (Cervantes) Canvass of the vote: reporting results.**
Chapter 514, Statutes of 2023

**Relevant Code Sections:** An act to add Sections 15306 and 15504.5 to the Elections Code, relating to elections.

**Description:** This bill would require the elections official, beginning no later than the Thursday following the election until submission of a certified statement of the results, to post updated information regarding the election on their internet website at least once per week.

**AB 292 (Pellerin) Primary elections: ballots.**
Chapter 646, Statutes of 2023

**Relevant Code Sections:** An act to amend Section 13502 of, and to add Section 13502.5 to, the Elections Code, relating to elections.

**Description:** This bill would require, for any nonpartisan ballot provided to a voter who has declined to disclose a political party preference for use in a presidential primary election, that the ballot provide specified information regarding how a voter may request and vote a partisan ballot.

- **No Party Preference (“NPP”) voters cannot vote in a presidential primary election unless authorized by a political party. NPP voters are sometimes surprised to find that their ballot omits an option to vote for President. This bill will make it easier for NPP voters to request partisan ballots and crossover vote in partisan presidential primaries, if allowed by the political party, potentially boosting voter engagement and turnout.**

**AB 398 (Pellerin) Voting: replacement ballots.**
Chapter 650, Statutes of 2023

**Relevant Code Sections:** An act to amend Sections 3014 and 3109 of the Elections Code, relating to voting.

**Description:** This bill would remove the requirement that the voter provide a statement under penalty of perjury and instead require the elections official to provide a replacement ballot when voter has failed to receive, lost, or destroyed their original ballot. The bill would require the voter making the request to provide the elections official with personal identifying information. The bill would also require the elections official, prior to issuing the replacement ballot, to advise the requester that a request for a replacement ballot made by a person other than the registered voter is a criminal offense.

- **This bill is part of a larger pattern of optimizing California’s vote-by-mail system. Its contribution is streamlining the ballot replacement process for voters and elections officials. If the voter need not provide a statement under penalty of perjury, and if elections officials need not process those statements, elections officials can act quickly on replacement ballot requests as they come in—be it telephonically or through some other means.**

- **Note that this bill does not change the requirement that a voter submit a written request if the voter wants a replacement ballot sent to someone other than the voter themselves.**
**AB 421 (Bryan) Elections: referendum measures.**
Chapter 162, Statutes of 2023
*Passed with an Urgency Clause*

**Relevant Code Sections:** An act to amend Sections 303.5, 9033, 9050, 9051, 9086, 13120, and 13247 of, and to add Section 303.1 to, the Elections Code, and to amend Section 88002 of the Government Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

**Description:** This bill revises the ballot title and summary and ballot label requirements for statewide referendum measures. Instead of the traditional format, the bill mandates the ballot title and summary to be posed in the form of a question, asking whether the state should keep or overturn the law proposed to be overturned. This is followed by a summary of the chief purposes and points of the law. The question and a condensed version of the summary are required to be included on the ballot label. Furthermore, the ballot title and summary in the state voter information guide for a statewide referendum measure are now required to be followed by the measure’s top funders.

- *This bill is about transparency and reducing voter confusion. Voters are sometimes confused that a “Yes” vote is against a referendum but for the statute subject to it, and a “No” vote is for the referendum but against the statute subject to it. This bill might help reduce that confusion by framing referendum measures similarly to how we frame other issues on the ballot.*

**AB 545 (Pellerin) Elections: access for voters with disabilities.**
Chapter 658, Statutes of 2023

**Relevant Code Sections:** An act to amend Sections 14105 and 14282 of the Elections Code, relating to elections.

**Description:** This bill expands the list of required supplies for each polling place, specifically adding items to assist voters with disabilities. It also allows curbside voting regardless of the accessibility of the polling location.

**AB 626 (Pellerin) Voting: returning vote by mail ballots in person.**
Chapter 661, Statutes of 2023

**Relevant Code Sections:** An act to add Section 3016.5 to the Elections Code, relating to elections.

**Description:** This bill authorizes a voter to cast their mail ballot without the identification envelope if the voter returns the ballot in person at the designated polling place for the voter’s home precinct or a vote center. The bill requires a ballot cast in this manner to be processed and counted like a nonprovisional ballot cast in person at the polling place or vote center.

- *By removing the identification envelope requirement, elections officials will no longer have to verify the information on that envelope before processing mail ballots. This delays the counting of mail ballots. This bill should increase the number of mail ballots that can be counted on election day and reflected in election night results.*
**AB 773 (Pellerin) Elections: filings.**
Chapter 664, Statutes of 2023
*Passed with an Urgency Clause*

**Relevant Code Sections:** An act to amend Sections 13307.7 of, and to add Section 9611 to, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

**Description:** This bill establishes procedures for authors to submit arguments for and against local ballot measures and rebuttals, in accordance with deadlines set by local elections officials. It designates a lead county for local district or school district elections that encompass more than one county. Authors of arguments for or against district or school district measures must submit arguments to the elections official of the lead county. The elections official of the lead county works with other counties within the district boundary to establish deadlines for receipt of the arguments. The elections official of the lead county selects the arguments for publication in the county voter information guide and transmits copies to elections officials in other counties within the district or school district. The bill also allows for remote, electronic filing of candidate statement of qualification forms for candidates running in a multicounty district.

- Since local districts or school districts must determine the date for submission of arguments for and against local ballot measures, multicounty ballot measures can cause confusion about relevant deadlines. Additionally, the same local measure can have different arguments for and against the measure printed in county voter guides. This bill should help rectify those issues by designating a single county to take the lead in this process.

- Filing hard copies of candidate statements of qualification can be challenging in California’s large, multicounty districts. This bill lowers the burden of this filing requirement.

**AB 1037 (Berman) Vote by mail ballots: signature verification.**
Chapter 673, Statutes of 2023

**Relevant Code Sections:** An act to amend Section 3019 of the Elections Code, relating to voting.

**Description:** This bill expands the methods of submitting signature verification statements or unsigned identification envelope statements for mail ballots. Instructions sent to voters must state that they may submit these statements by other electronic means made available by the local elections official. If other electronic means are offered, the local elections official must establish appropriate privacy and security protocols for the transmitted information.

- This bill is part of California’s project to reduce the number of rejected mail ballots. Ballot rejection due to a missing or mismatched signature is troubling for any voter, and it disproportionately impacts voters who are already particularly prone to disenfranchisement. This bill takes another step to simplify the process for curing ballot signature issues by providing voters with an electronic cure process.

**AB 1219 (Berman) Elections: ballots.**
Chapter 676, Statutes of 2023

**Relevant Code Sections:** An act to amend Sections 302, 303.3, 305, 6821, 10704, 11320, 11322, 11323, 13105, 13200, 13202, 13203, 13206.5, 13208, 13209, 13210, 13211, 13211.5, 13212, 13213, 13214,
13233, 14286, 14443, 15210, and 15360 of, to add Section 11322.5 to, to repeal Sections 13216.5, 13260, 13261, 13262, 13263, 13264, 13265, 13266, 13267, and 15211 of, and to repeal and add Sections 301, 303, 13204, 13206, 13216, 14284, and 14285 of, the Elections Code, relating to elections.

**Description:** This bill revises and recasts existing law related to ballot layout specifications. It specifies the font and location of certain text, revises ballot instructions provided to voters, and requires instructions to communicate how to cast a vote, write in a candidate, and address mistakes in plain language.

- *This bill implements the much-anticipated recommendations of the California Ballot Design Advisory Committee, which was established in 2019.*

**AB 1539 (Berman) Elections: double voting.**
Chapter 692, Statutes of 2023

**Relevant Code Sections:** An act to add Section 18560.1 to the Elections Code, relating to elections.

**Description:** This bill makes it a misdemeanor for any person to vote or attempt to vote both in an election held in California and in an election held in another state on the same date. It does not prohibit a voter from voting in elections held in California and another state if one of the elections is held in a landowner voting district or any other district where residency is not required.

**SB 25 (Skinner) Declaration of candidacy: notary.**
Chapter 26, Statutes of 2023

**Relevant Code Sections:** An act to amend Section 8040 of the Elections Code, relating to elections.

**Description:** This bill provides an option for candidates who will not be in the State of California during the entire nomination period to complete their declaration of candidacy before a notary public of another state.

**SB 77 (Umberg) Voting: signature verification: notice.**
Chapter 701, Statutes of 2023

**Relevant Code Sections:** An act to amend Sections 3019 and 3026 of the Elections Code, relating to elections.

**Description:** This bill amends current law related to mail ballot signature verification. It requires county elections officials, upon determining that signatures on identification envelopes do not match or if the envelope lacks a signature, to notify voters by mail, telephone, text message, or email if the official has the contact information on file. The notice provides an opportunity for voters to verify or provide their signature.

**SB 297 (Allen) Elections: initiatives and referenda: withdrawal.**
Chapter 483, Statutes of 2023

**Relevant Code Sections:** An act to amend Section 9604 of the Elections Code, relating to elections.
**Description:** This bill modifies the process for withdrawing a statewide initiative or referendum measure. Instead of requiring all proponents to file a written notice for withdrawal, a majority of the proponents can now file the notice. It also allows proponents to file a contingent withdrawal notice based on the enactment of a specified legislative measure. The Secretary of State deems the withdrawal effective if the legislative measure is enacted before certifying the initiative or referendum measure for the ballot.

- This bill could help solve the “single holdout” problem created by the mechanism in place for initiative proponents to remove their measure from the ballot before it officially qualifies for the next election.

**SB 658 (McGuire) Nominations: tax return disclosures: candidates for Governor.**
Chapter 880, Statutes of 2023

**Relevant Code Sections:** An act to amend Sections 8901, 8902, and 8903 of the Elections Code, relating to elections.

**Description:** This bill expands current law, which prohibits a candidate for Governor from appearing on the ballot of the direct primary election without filing copies of their income tax returns for the last five years with the Secretary of State. The legislation extends these requirements to general elections and recall elections. Candidates must redact certain information from one copy of each submitted return. The redacted versions are made available to the public on the Secretary of State’s website within five days of receipt and remain posted until the official canvass is completed.

**SB 678 (Umberg) Elections: disclosures.**
Chapter 156, Statutes of 2023

**Relevant Code Sections:** An act to add Section 84513 to the Government Code, relating to the Political Reform Act of 1974.

**Description:** This bill requires individuals paid by a committee to support or oppose a candidate or ballot measure on internet websites, web applications, or digital applications to include a disclaimer stating that they were paid by the committee. If a disclaimer is not already required, the bill mandates its inclusion. The committee must notify the individual posting content about this disclaimer requirement. Non-compliance doesn’t lead to administrative penalties, but the Political Reform Commission can seek injunctive relief for disclosure. An exemption is provided for content posted by a compensated employee on their own social media if the only expense is staff time.

- Online political advertisement disclosures are already required, but only if a campaign committee posts the advertisement. This bill ensures that a committee cannot avoid disclosures simply by paying a third party to post content.

**SB 798 (Glazer) Elections: local bond measures: tax rate statement.**
Chapter 720, Statutes of 2023 Relating to elections.

**Relevant Code Sections:** An act to amend Section 9401 of the Elections Code, relating to elections.

**Description:** This bill requires the tax rate statement that is required to be included in the sample ballot for local bond measures to include a tax rate per $100,000 of assessed valuation on all property to be
taxed to fund a bond issue, instead of a tax rate per $100 of assessed valuation on all property to be
taxed to fund the bond.

➢ This better reflects how we think about potential tax burden, arguably improving transparency.

**Election Officials and Voter Registration**

**AB 969 (Pellerin) Elections: voting systems.**
Chapter 300, Statutes of 2023
*Passed with an Urgency Clause*

**Relevant Code Sections:** An act to add Sections 15270.1, 15270.2, 15270.3, and 19207.5 to, the
Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

**Description:** This bill prohibits an elections official from performing a manual vote count in a semifinal
official canvass for contests held on an established election date with more than 1,000 registered voters
or contests held on a non-established election date with more than 5,000 registered voters as of 154
days in advance of the election. Manual vote counts are allowed only if conducted pursuant to a plan
approved by the Secretary of State.

➢ *This bill is targeted at Shasta County, which moved to tally votes by hand despite a preexisting
contract for new electronic voting machines.*

➢ *Manual counts have been shown to be less accurate, slower, and more costly than machine
tabulation.*

**SB 386 (Newman) Elections.**
Chapter 870, Statutes of 2023

**Relevant Code Sections:** An act to amend Sections 9031, 9115, 9309, 11106, and 11225 of, to add
Section 10224.5 to, and to repeal Section 13205 of, the Elections Code, relating to elections.

**Description:** This bill extends by 30 days the period for an elections official using the random sampling
method to verify signatures on state initiative or referendum petitions. The extension applies to the
time for the official to complete their determination of the number of qualified voters. The extension
does not apply if it would render a recall election ineligible for consolidation with the next regularly
scheduled election.

**SB 485 (Becker) Elections: election worker protections.**
Chapter 611, Statutes of 2023

**Relevant Code Sections:** An act to amend Sections 18502 and 18540 of the Elections Code, relating to
elections.

**Description:** This bill amends current law related to interference with election processes. It specifies
that interference with the Secretary of State and their staff, elections officials and their staff (including
temporary and poll workers), or a member of a precinct board constitutes a crime. The bill also clarifies
that “holding an election or conducting a canvass” includes the election observation process and “voting
at an election” includes dropping a ballot off at a dropoff location.
This bill is part of California’s effort to protect election workers from bad actors, which follows a national trend. The current climate has caused many election workers to leave the profession altogether, creating shortages in an all-important component of the election system.

Some of the conduct that this bill deems illegal is arguably already covered by existing law. But enforcement of that law is inconsistent and, by some accounts, inadequate. Additional specificity may empower or better guide law enforcement and may give comfort to some voters.

Open Meetings Law

AB 557 (Hart) Open meetings: local agencies: teleconferences.
Chapter 534, Statutes of 2023

Relevant Code Sections: An act to amend and repeal Section 54953 of the Government Code, relating to local government.

Description: The Ralph M. Brown Act allows meetings via teleconferencing with certain requirements. This bill amends the Act to allow local legislative bodies to use teleconferencing without specific requirements during a declared state of emergency or if measures promoting social distancing are imposed or recommended. The legislative body must make specified findings within 45 days after the first teleconferenced meeting and every 45 days thereafter for continued use of teleconferencing.

This bill extends the valuable provisions of AB 361 to help address future emergencies. Crucially, it adjusts the timeframe for the resolutions passed to renew an agency’s temporary transition to emergency remote meetings to 45 days, up from the previous and often unworkable 30 days.

AB 1458 (Ta) Common interest developments: association governance: member election.
Chapter 303, Statutes of 2023

Relevant Code Sections: An act to amend Section 5115 of the Civil Code, and to amend Section 7512 of the Corporations Code, relating to common interest developments.

Description: This bill amends the Davis-Stirling Common Interest Development Act, which regulates common interest developments. It authorizes an association, in the absence of a quorum, to adjourn proceedings to a date at least 20 days later, with a 20% quorum requirement for a membership meeting. The association must provide general notice of the membership meeting at least 15 days before the election of directors. These changes aim to address situations where a quorum is lacking and facilitate the election process in common interest developments.

SB 411 (Portantino) Open meetings: teleconferences: neighborhood councils.
Chapter 605, Statutes of 2023
Passed with an Urgency Clause
Sunset Date, January 1, 2026

Relevant Code Sections: An act to add and repeal Section 54953.8 of the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.
**Description:** Until January 1, 2026, this bill authorizes an eligible legislative body (neighborhood council) to use alternate teleconferencing provisions for notice, agenda, and public participation if authorized by city council resolution and approved by a 2/3 vote of the legislative body. “Eligible legislative body” refers to a neighborhood council in a city with a population over 3,000,000. The bill mandates publicly accessible physical locations for public participation and requires at least a quorum to participate from locations within the city boundaries. Additionally, it necessitates at least one in-person meeting per year with a quorum present, open to the public within the city boundaries.

- While this bill may be a valuable concession to local entities (AB 557 is comparably quite modest), its scope is extremely narrow. Given the definition of “eligible legislative body,” this bill is plainly targeted at Los Angeles. Los Angeles’s Neighborhood Councils have reported challenges transitioning back to in-person meetings, potentially compromising constituent participation. This bill should help address those challenges.

**SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing.**
Chapter 216, Statutes of 2023

**Relevant Code Sections:** An act to amend Section 11124 of, to amend, repeal, and add Section 11123.5 of, and to add and repeal Section 11123.2 of, the Government Code, relating to state government.

**Description:** This bill amends the Bagley-Keene Open Meeting Act to provide an alternative set of provisions allowing state bodies to hold meetings by teleconference. It requires at least one member to be physically present at each teleconference location, accessible to the public, and allows a member’s remote participation under specific circumstances. The bill mandates disclosure of a member’s remote location circumstances, ensuring transparency in remote participation. The changes aim to facilitate teleconferencing while preserving public access and transparency.

**Political Reform Act of 1974**

**SB 681 (Allen) Political Reform Act of 1974: amendments.**
Chapter 499, Statutes of 2023

**Relevant Code Sections:** An act to amend Section 81012 of, and to add Section 81012.5 to, the Government Code, relating to the Political Reform Act of 1974.

**Description:** This bill modifies the Political Reform Act of 1974, changing the deadline for bills amending the act to be in final form from 12 days to 8 days before passage in each house. However, if the previous form of the bill did not amend the act, the 12-day requirement remains in place. This adjustment aims to streamline the legislative process for bills amending the Political Reform Act of 1974.

**Governmental Bodies, Elected/Appointed Officials and Candidates**

**AB 1637 (Irwin) Local government: internet websites and email addresses.**
Chapter 586, Statutes of 2023

*Compliance by date of January 1, 2029*
Relevant Code Sections: An act to add Section 50034 to the Government Code, relating to local government.

Description: This bill, effective no later than January 1, 2029, requires local agencies maintaining public internet websites to use a “.gov” top-level domain or a “.ca.gov” second-level domain. Local agencies with non-compliant websites must redirect them to a domain using “.gov” or “.ca.gov.” Additionally, local agencies maintaining public email addresses must ensure that each email address provided to employees uses a “.gov” or “.ca.gov” domain.

➢ This bill is about the security and reliability of public information and services provided by local agencies. It might be especially appropriate as we move toward a world in which virtually all public agency information is posted online, including information corresponding to Brown Act requirements. Beyond making it clearer to viewers that a website genuinely corresponds to a public agency, “.gov” and “.ca.gov” domains are also subject to regulation by the Department of Homeland Security and California Department of Technology, respectively. These domains are subject to various security protocols to safeguard their contents and protect visitor privacy.

➢ Still, this bill establishes an onerous requirement for local governments. Revising a website, establishing corresponding e-mails, changing network logins, updating social media, etc. comes at a potentially significant cost, especially in small-to-mid-sized cities and counties who may have insufficient IT staff and will need to contract out to outside vendors. Sacramento County has reported that the transition took 15 full-time employees 14 months to complete.

Redistricting

Chapter 315, Statutes of 2023

Relevant Code Sections: An act to add Chapter 6.9 (commencing with Section 21580) to Division 21 of the Elections Code, relating to elections.

Description: This bill establishes the Citizens Redistricting Commission in the County of Orange, charged with adjusting the boundary lines of the Board of Supervisors of the County of Orange. The commission consists of 14 voting members and 2 nonvoting alternate members who meet specified qualifications. Commission members are required to attend all public hearings and meetings, with specified procedures for removal in case of neglect of duty, misconduct, inability to discharge duties, or failure to meet qualifications.

AB 764 (Bryan) Local redistricting.
Chapter 343, Statutes of 2023

Relevant Code Sections: An act to amend Section 35 of the Code of Civil Procedure, to amend Sections 1002, 5019, 5019.5, 5020, 5021, 5023, 5027, and 5028 of, to repeal Section 5019.7 of, and to repeal and add Section 1005 of, the Education Code, to amend Sections 21500, 21500.1, 21503, 21506, 21520, 21544, 21552, 21554, 21556, 21574, 21600, 21601, 21603, 21605, 21606, 21609, 21610, 21620, 21621, 21623, 21625, 21626, 21630, 22000, 23002, and 23003 of, to add Chapter 2 (commencing with Section 21100) to Division 21 of, to repeal Sections 21501, 21507, 21507.1, 21508, 21509, 21602, 21607, 21607.1, 21608, 21609, 21622, 21627, 21627.1, 21628, 21629, and 22002 of, and to repeal and add Section 22001 of, the
Elections Code, and to amend Sections 34874, 34877.5, 34884, 34886, and 57301 of the Government Code, relating to elections.

Description: This bill revises and recasts existing law related to local redistricting. It imposes uniform requirements on counties, county boards of education, cities, school districts, community college districts, and special districts with elected governing bodies, mandating compliance with specified criteria for adopting district boundaries. Local jurisdictions are required to adopt district boundaries following the decision to establish district-based elections and after each federal decennial census.

➢ After the 2020 redistricting process, various organizations sponsored a report ("The Promise of Fair Maps, California’s 2020 Local Redistricting Cycle: Lessons Learned and Future Reforms") that identified a series of ambiguities, loopholes, and deficiencies in the implementation of the Fair Maps Act (AB 849). The report’s conclusions concerning the Fair Maps Act’s ranked redistricting criteria cast doubt on whether the Act had sufficiently rooted out incumbency protection and pointed to challenges in defining “communities of interest.” Moreover, the Act’s reforms did not apply to educational or special districts, which were left with greater discretion over district boundaries. This bill is aimed at addressing these and other matters.

➢ This bill makes numerous changes to the requirements of the Fair Maps Act, both large and small. For example, it (1) requires the publication of certain reports, including, with some exceptions, a report concerning racially polarized voting if it exists in the jurisdiction and a report explaining the basis on which the districting body made its decisions; (2) contains more onerous public hearing requirements; and (3) contains new deadlines.

➢ Just as with AB 849, this bill will require public agencies to confront and solve novel issues. Unlike AB 849, however, agencies have many years to learn and strategize about the bill’s requirements.

➢ With a uniform redistricting timeline for so many jurisdictions, it may prove challenging to secure the necessary human resources (e.g., consultants) to execute this bill’s requirements. Public agencies should move early and fast to make sure they have those resources locked in.

SB 314 (Ashby) County of Sacramento Redistricting Commission.
Chapter 389, Statues of 2023

Relevant Code Sections: An act to add Chapter 6.10 (commencing with Section 21590) to Division 21 of the Elections Code, relating to elections.

Description: This bill establishes the Citizens Redistricting Commission in the County of Sacramento, which would be charged with adjusting the boundary lines of the districts of the Board of Supervisors of the County of Sacramento. The commission would consist of 14 members and 2 non-voting alternates who meet specified qualifications. This bill requires the commission to adjust the boundaries of the supervisorial districts in accordance with specified criteria and adopt a redistricting plan in accordance with existing deadlines for the adoption of county supervisorial district boundaries. The bill prohibits a member of an independent redistricting commission from communicating with any individual or organization regarding redistricting matters, as specified. By increasing the duties on local officials, the bill will impose a state-mandated local program.
Miscellaneous Measures

**AB 507 (Bryan) Presidential electors.**
Chapter 88, Statutes of 2023

**Relevant Code Sections:** An act to amend Sections 6904, 6909, 6918, and 16003 of the Elections Code, relating to elections.

**Description:** This bill updates state law to conform to the requirement that presidential electors meet and vote on the first Tuesday after the second Wednesday in December. Additionally, it mandates the Governor to designate an alternative location for the electors to assemble if it is unsafe to meet in the State Capitol due to a proclaimed state of emergency.

**AB 1227 (Low) Elections: County of Santa Clara.**
Chapter 362, Statutes of 2023

**Relevant Code Sections:** An act to add Section 24206 to the Government Code, relating to elections.

**Description:** This bill authorizes the Board of Supervisors of the County of Santa Clara to adopt, and a voter of that county to propose by initiative, an ordinance to elect county officers by ranked choice voting. It allows the county to hold a ranked choice voting election at the statewide primary election, the first statewide general election, or a combination thereof, and to use ranked choice voting in special elections to fill vacancies in county offices.

**SB 437 (Dodd) Presidential elections: candidates.**
Chapter 72, Statutes of 2023

**Relevant Code Sections:** An act to amend Section 13104 of, and to add Section 6901.5 to, the Elections Code, relating to elections.

**Description:** This bill requires qualified political parties to notify the Secretary of State, on or before the 75th day before a presidential general election, of the names of their nominees for President and Vice President. If a party has not held its national convention by that date, it must provide the names of its apparent nominees. The bill aims to enhance the transparency of the candidates presented on the ballot.
Organizational Background and Clerk Profession: At A Glance

Founded in 1977, the mission of the City Clerks Association of California (CCAC) is to promote the municipal clerk profession through education, support, and communication. Government Code Section 36501 sets forth the governing officers of a municipality, one of which is a City Clerk. A City Clerk may be elected by residents or appointed by the City Council or City Manager.

Before and after the legislative body takes action, the City Clerk ensures that actions are in compliance with local, state and federal statutes and regulations. The City Clerk ensures all actions are properly executed, recorded, and archived. The laws of the State of California, including the Elections Code and Government Code, prescribe the basic functions and duties of the City Clerk.

As the Elections Official, the City Clerk administers local, state, and federal procedures through which local government representatives are elected, and citizen-based petition efforts, such as ballot measures, recalls, and referendums, are filed. The City Clerk assists candidates in meeting their technical and legal responsibilities before, during, and after an election. From election pre-planning to the certification of election results, the City Clerk manages the voting process which forms the foundation of our democratic system of government.

As the Legislative Administrator, the City Clerk plays a critical role in the decision-making process of the legislative body. As key staff for City Council meetings, the City Clerk prepares the legislative agenda, verifies legal notices that have been posted and published, and completes the necessary arrangements to ensure an effective meeting. The City Clerk is entrusted with the responsibility of recording the decisions which constitute the building blocks of our representative government.

As the Records Manager and Historian, the City Clerk oversees the preservation and protection of the public record pursuant to law and ensures that municipal records are readily accessible to the public. The public record under the conservatorship of the City Clerk provides fundamental integrity to the structure of our democracy.

The City Clerk acts as a compliance officer for local, state, and federal laws including the Ralph M. Brown Act, Political Reform Act, and Public Records Act. The City Clerk also manages public inquiries and relationships. The Office of the City Clerk is a service department within municipal government upon which the City Council, City departments, and the public rely on for information and
connectivity. The City Clerk serves as the liaison between the public and City Council ensuring access to municipal services and transparency in municipal processes.

**Advocacy Positions**

**Support:** A “Support” position indicates to the legislature, regulatory agency, and other stakeholders that CCAC is in favor of both the spirit of the proposed law and the technical approach in which the proposed law seeks to address the issue.

**Oppose:** An “Oppose” position indicates to the legislature, regulatory agency, and other stakeholders that CCAC is strongly against the proposed legislative policy proposal. Barring an amendment that would exempt the organization’s members from its provisions, it is unlikely the proposal could be feasibly amended to remove all concerns.

**Oppose Unless Amended:** An “Oppose Unless Amended” position indicates to the legislature, regulatory agency, and other stakeholders, that CCAC has concerns about either the spirit of the law and/or the specific approach being taken unless all or a significant number of the substantive concerns with the proposal are addressed. This position is often used to ensure policies can be modified to better suit organizational goals through the negotiation and amendment process.

**Neutral:** A “Neutral” position indicates to the legislature, regulatory agency, and other stakeholders, that CCAC is impartial on the legislative proposal in question. Typically, this position is adopted after amendments have been taken to address policy concerns on a particular piece of legislation.

**Sponsor/Co-Sponsor:** A “Sponsor or Co-Sponsor” position indicates to the legislature, regulatory agency, and other stakeholders, that CCAC is not only in strong support of the legislative proposal but is publicly leading the advocacy effort. This position is only used when a state lawmaker has agreed to carry a specific proposal on behalf of the organization.

**Monitor/Watch:** A “Monitor/Watch” position indicates to the legislature, regulatory agency, and other stakeholders, that CCAC is dedicating resources to review, evaluate and monitor the proposal. If the organization is undecided on how to proceed on the measure in print, staff will continue to watch for amendments that may cause concern or provide tools/resources for CCAC—taking the appropriate (formal) position at that time.

**Principles**

Municipal Clerks shoulder a tremendous responsibility in preserving and promoting democracy, the very backbone of our society. The more we invite respectful and civil discourse in our public participation, the more democracy will thrive, and citizens will take pride in shaping the community’s future. The balance of power in local government is crucial to a democracy. Power ultimately resides with the governed, but only when the laws and actions are clearly set forth and information is accessible can people exercise their right of oversight. When people exercise their rights, democracy thrives, and communities take shape and prosper.
CCAC’s goal is to effectively engage in the legislative process by providing education and technical expertise on real-world implementation of an array of policies that impact the municipal clerk profession.

The key principles for CCAC’s legislative platform are aligned with the organizational purpose, which is to promote the municipal clerk profession through education, support, and communication. The policy statements outlined below do not reflect the specific policy positions or objectives of any single municipality. Rather, these statements look at specific policies from a statewide lens. Legislation that creates operational limitations, does not recognize the real-world fiscal limitations, and generally removes local discretion will be a major factor when considering how CCAC will position on legislation.

**Elections**

The municipal clerk is the Elections Official who works in collaboration with the County Registrar of Voters in conducting local elections. This duty is one of the most important aspects of the municipal clerk profession. Recently, local elections officials across the nation have been asked to rise above the vitriol, misinformation, and intimidation tactics to do what needs to be done to ensure smooth, transparent, and fair local elections. It is critical that the State legislature, Governor, and other Constitutional officers support the health and safety of our local election officials along with the overall right to vote of our residents.

**Local Elections Officials**

- CCAC supports legislative efforts and funding for voter outreach, education, and resources to instill confidence in our electoral process.

- CCAC supports legislation that enhances the protections of local elections officials and poll workers—including enhanced penalties that create necessary deterrents from harassing, threatening, or committing acts of aggression towards local election officials and poll workers.

- CCAC supports policy and funding mechanisms that will provide enhanced training and certification to further promote and support the municipal clerk profession.

- CCAC supports legislative efforts aimed at combatting tactics that promote voter misinformation or intimidation that call into question the integrity of our elections.

**Local Candidates and Measures**

- CCAC supports the option for elections officials to distribute voter information electronically.

- CCAC supports the public accessibility of documents provided to the legislative body during normal business hours pursuant to law.
• CCAC opposes legislative or constitutional reform efforts that would make local offices partisan or require party preferences to be listed for non-partisan local offices.

**District Conversion and Redistricting**
• CCAC supports the ability of local jurisdictions to voluntarily move from an at-large system of voting to district-based elections without the threat of pending litigation.

• CCAC supports modifications to the California Voting Rights Act to remedy potential challenges prior to litigation being filed.

**Recall**
• CCAC supports legislation that limits abuse of recall elections while maintaining the integrity of the recall process.

**Electoral Systems**
• CCAC supports vote-by-mail elections.

• CCAC supports the ability for general law and charter agencies to utilize methods of election, including Rank Choice Voting (RCV), as the local agency determines is in the best interest of its community under the principle of local control.

**Political Reform**
The Political Reform Act of 1974 addresses the need for transparency in campaign funding and financial conflicts of interest for public officials through various forms of disclosure. As the compliance officer for the agency, it is imperative that the municipal clerk be kept apprised of new requirements and regulations, including those associated with the Fair Political Practices Commission (FPPC).

**Campaign Finance**
• CCAC supports the ability of an agency to establish its own contributions limits through resolution or ordinance.

• CCAC supports legislation that permits a local agency to voluntarily work with the FPPC to provide campaign finance guidance, training, oversight, and review.

**Conflicts of Interests**
• CCAC supports legislation that grants the FPPC the authority to issue opinions to guide local officials in understanding conflicts of interest.

**Lobbying and Reporting**
• CCAC supports the ability of an agency to establish its own lobbying and reporting requirements consistent with state and federal law through resolution or ordinance.
California Public Records Act and Records Retention
CCAC firmly stands behind the spirit and intent of the California Public Records Act. Ensuring timely access to government information and records is a fundamental and necessary right of every member of the community. As the Custodian of Records, the municipal clerk is responsible for ensuring compliance with the Public Records Act. CCAC supports the delivery of all Public Records Act related programs and services during the ordinary course of business and during normal business hours.

Requests
- CCAC supports legislation that enhances the public’s right to access records while considering the real-world fiscal and operational constraints of the municipal clerk’s office.
- CCAC opposes legislation that claims to enhance access and transparency by permitting data mining by private companies through voluminous public records requests.
- CCAC supports an adjustment in the per-page fees currently allowed under law for actual cost recovery.
- CCAC opposes legislative, initiative, or other proposals that create new and unnecessary mandates under the California Public Records Act without financial reimbursement.
- CCAC opposes legislative, initiative, or other proposals that significantly increase the number of voluminous records requests without the addition of time, resources, or funding to offset related costs and impact.

Records Retention
- CCAC supports the ability of an agency to adopt appropriate local records retention policies and procedures while promoting access to the public’s records based on available resources.
- CCAC opposes efforts that place burdensome financial pressure on the municipal clerk’s office through unnecessary records retention mandates.
- CCAC supports the option for a local agency to retain and produce records electronically where feasible based on available resources.
- CCAC supports working collaboratively with the State to ensure requirements for Trusted Systems account for changes in technology.

Ralph M. Brown Act
CCAC supports legislation that recognizes the critical need to conduct the people’s business openly and with complete transparency. The Ralph M. Brown Act (Brown Act) was passed in 1953 to ensure that local government was held to the highest levels of transparency and ethics. Since that time, there have been few modifications to the Act that take into account technological
advancements, among other things, that enhance the public’s access to its local government. CCAC supports modernizing the Brown Act in a way that balances increased public trust, confidence, and access to public meetings with fiscal and operational constraints of local government. CCAC also supports the delivery of all Brown Act related programs and services during the ordinary course of business and during normal business hours.

Open Meetings
- CCAC supports legislation providing local agencies with the ability to conduct public meetings using a hybrid approach of remote and in-person options. Such options should allow for equitable access and participation of elected officials and the public while considering resource availability and the privacy, health, and safety of all stakeholders.

- In an effort to increase diversity and civic participation in government, CCAC supports legislation that would permanently codify provisions permitted under AB 557 (Hart) [Chapter 534, Statutes of 2023] with respect to remote participation for legislative subcommittees, advisory boards, and commissions.

- CCAC supports the right of residents to petition their local elected official in an open, respectful, and transparent manner at public meetings, while retaining the ability of the legislative body to effectively conduct the business of the people.

- CCAC supports legislation to further codify provisions of SB 1100 (Cortese) [Chapter 171, Statutes of 2022] dealing with open meeting disruptions, by providing statewide uniformity for open meeting conduct that promotes respectful discourse and civic participation for members of the public irrespective of methodology (in-person, teleconference or virtual).

Posting Requirements
- CCAC supports alternative methods of meeting public noticing requirements while enhancing public outreach and awareness through cost-effective, innovative, and technological methods of communication.

- CCAC supports a change in the definition of “newspaper of general circulation” due to the realities of both consolidated traditional newspaper publications and the increased presence of on-line publications readily available to the public.

Technology
CCAC supports the use of technology for the effective and efficient delivery of local government programs and services based on the availability of resources in the ordinary course of business and during normal operating hours.

Webpages and Postings
- CCAC supports efforts to ensure the timely, thorough, and transparent posting of critical public resources and information on local agency websites without creating undue burdens and redundancy in the availability of content.
Electronic Signatures

- CCAC supports the use of electronic signatures by an agency where resources are available to maximize efficiency in government processes, while also protecting security and validity of official municipal records.

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