

## Senate Bill No. 152

### CHAPTER 34

An act to amend Section 11108 of, and to add Chapter 7 (commencing with Section 1600) to Division 1 of, the Elections Code, relating to elections, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 28, 2021. Filed with Secretary of State June 28, 2021.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 152, Committee on Budget and Fiscal Review. Elections.

(1) Existing law authorizes a county to conduct any election as an all-mailed ballot election if specified conditions apply. Those conditions include providing, on the day of the election and the 3 days preceding the election, at least one vote center for every 10,000 registered voters and providing, beginning 10 days before the election and continuing up to the 4th day before the election, at least one vote center for every 50,000 registered voters.

Existing law authorizes counties to start to process vote by mail ballots on the 15th business day before an election. Under existing law, a vote by mail ballot is timely cast if it is postmarked or date stamped on or before election day and is received by the voter's elections official no later than 3 days after election day.

This bill would authorize a county that has previously conducted an all-mailed ballot election to conduct an all-mailed ballot election prior to January 1, 2022, if it provides, on the day of the election and the 3 days preceding the election, at least one vote center for every 30,000 registered voters and, beginning 10 days before the election and continuing up to the 4th day before the election, at least one vote center for every 60,000 registered voters. The bill would authorize a county that has not previously conducted an all-mailed ballot election to conduct an all-mailed ballot election using alternative procedures substantially similar to those in effect for the November 3, 2020, statewide general election, as specified.

This bill would require counties to conduct a voter education and outreach campaign, as provided. The bill would require the Secretary of State to establish a process for granting counties partial waivers from requirements relating to the number, location, or operational duration of consolidated polling places or ballot drop-off locations and from requirements relating to the maximum number of voters in a precinct. The bill would authorize counties to start to process vote by mail ballots on the 29th day before an election. The bill would deem a vote by mail ballot timely cast if it is

postmarked or date stamped on or before election day and is received by the voter's elections official no later than 7 days after election day.

This bill would authorize a local government entity that previously called a special local election to consolidate that election with a gubernatorial recall election if certain conditions are met.

This bill would repeal these provisions on January 1, 2022.

To the extent these provisions impose new duties on county elections officials, the bill would create a state-mandated local program.

(2) Existing law requires the Department of Finance to estimate the costs of a recall election upon notification from the Secretary of State that voters have signed a recall petition in sufficient numbers to initiate a recall election. Existing law requires the Department of Finance to submit the cost estimate to the Governor, the Secretary of State, and the Chairperson of the Joint Legislative Budget Committee within 30 days of receiving that notice. Existing law prohibits the Secretary of State from certifying the sufficiency of the signatures until the Joint Legislative Budget Committee has had 30 days to review and comment on the Department of Finance's cost estimate.

This bill would allow the Secretary of State to certify the sufficiency of the signatures before the Joint Legislative Budget Committee has had 30 days to review and comment on the estimate if the Legislature has appropriated funds it determines are reasonably necessary to conduct the recall election and has designated funds for that purpose in the Budget Act or another statute. The bill would make conforming changes. The bill would appropriate \$35,000,000 from the General Fund to the Secretary of State to support statewide and county costs of the 2021 gubernatorial recall election, thereby making an appropriation. The bill would declare the intent of the Legislature to reevaluate the amount of that appropriation and other appropriations made to support the costs of the 2021 gubernatorial recall election.

(3) Existing law requires recall elections to be conducted and canvassed, and the results to be declared, in substantially the manner provided by law for a regular election for the office subject to recall. Existing law authorizes any county to conduct a special election as an all-mailed ballot election if specified conditions apply. Existing law authorizes an elections official conducting a local, special, or consolidated election, or a statewide election other than the direct primary, presidential primary, or general election, to divide the territory into special election or consolidated election precincts by consolidating existing precincts, or otherwise, as specified, and authorizes the elections official to alter the precincts for those elections as often as occasion requires.

This bill would require that the 2021 gubernatorial recall election be held as a regular election, and that the provisions described above relating to all-mailed ballot special elections and changing or altering election precincts do not apply.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(5) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. It is the intent of the Legislature to reevaluate the appropriations made in the Budget Act or in another statute for counties to administer the 2021 gubernatorial recall election.

SEC. 2. Chapter 7 (commencing with Section 1600) is added to Division 1 of the Elections Code, to read:

CHAPTER 7. 2021 ELECTIONS

1600. This chapter applies only to an election conducted prior to January 1, 2022. A county that conducts a recall election pursuant to this chapter shall be considered to have complied with Section 11328.

1601. Notwithstanding Sections 4005 and 4007, a county that previously conducted an election pursuant to either of those sections may conduct an election prior to January 1, 2022, pursuant to subdivision (a) of Section 4005, except that the county may choose to have its vote centers open in accordance with the following provisions, in lieu of the requirements of paragraph (3) of, and subparagraphs (A) and (B) of paragraph (4) of, subdivision (a) of Section 4005:

(a) On the day of the election, from 7 a.m. to 8 p.m., inclusive, and on each of the three days before the election, for a minimum of eight hours per day at regular hours convenient for members of the public, at least one vote center shall be provided for every 30,000 registered voters within the jurisdiction where the election is held, as determined by the last report of registration issued by the Secretary of State pursuant to Section 2187 before the day the election is called. For a jurisdiction with fewer than 30,000 registered voters, a minimum of one vote center shall be provided on the day of the election and on each of the three days before the election within the jurisdiction where the election is held.

(b) Beginning 10 days before the day of the election and continuing daily up to and including the fourth day before the election, for a minimum of eight hours per day at regular hours convenient for members of the public, at least one vote center shall be provided for every 60,000 registered voters within the jurisdiction where the election is held, as determined by the last report of registration issued by the Secretary of State pursuant to Section 2187 before the day the election is called. For a jurisdiction with fewer than

60,000 registered voters, a minimum of one vote center shall be provided within the jurisdiction where the election is held.

1602. (a) A county that has not previously conducted an election pursuant to Section 4005 or 4007 may choose to follow the procedures described in this section as an alternative to procedures that would otherwise be applicable in that county.

(b) (1) While maintaining separate geographical precincts under the existing limits on number of voters provided in Section 12223, the elections official may establish consolidated precinct boards, located within the same physical polling place, serving the voters residing in multiple adjacent precincts established pursuant to Section 12223 at a maximum ratio of one consolidated precinct board location for every 10,000 registered voters. These consolidated polling locations shall be open from the Saturday prior to the day of the election through the Monday prior to the day of the election for at least eight hours each day at regular hours convenient for members of the public. On the day of the election, the consolidated polling location shall be open from 7 a.m. to 8 p.m.

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

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

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

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

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

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

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

(3) At least one ballot drop-off location shall be an exterior drop box that is available for a minimum of 12 hours per day.

(4) For purposes of this section, “ballot drop-off location” has the same meaning as “vote by mail ballot drop-off location” pursuant to Section 3025.

(d) (1) In a county with consolidated polling places as described in this section, the elections official shall provide at least one location, open at least during regular business hours beginning not later than 28 days before the day of the election, at which a voter may do any of the following:

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

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

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

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

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

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

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

(f) After finalizing the locations of consolidated polling places and ballot drop-off locations, the county elections official shall provide public notice in all legally required languages for that county the proposed consolidated polling place locations and ballot drop-off locations, shall post a copy of those locations on the elections official’s internet website, and shall accept public comments on the final locations. If the election is called 70 or more days prior to the date on which the election will be held, the elections official shall accept public comment for at least 5 days after providing public notice of the proposed locations. If the election is called less than 70 days prior to the date on which the election will be held, the elections official shall accept public comment for at least 48 hours after providing public notice of the proposed locations. Following the public comment period, the elections

official shall consider any comments the official receives from the public and shall adjust consolidated polling place and ballot drop-off locations in response to the public comments to the extent the official deems appropriate. Notice of any such adjustments shall be immediately posted on the county election official's internet website and social media platforms.

1603. (a) Each county shall conduct a voter education and outreach campaign in all legally required languages for that county notifying voters about mail ballots, early voting opportunities, accessible voting options, and where and how to remedy any voting-related problem.

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

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

1604. (a) The Secretary of State shall establish a process to consider requests from counties to adjust or partially waive the minimally required number, location, or operational duration of consolidated polling places or ballot drop-off locations described in Section 1602, or to partially waive the provisions regarding the maximum number of voters in a precinct as required by Section 12223. The process shall include, but not be limited to, review and modification, denial, or granting of a county's request in a timeframe to be determined by the Secretary of State. The Secretary of State shall not grant a county a complete waiver of the minimally required number, location, or operational duration of consolidated polling places or ballot drop-off locations described in Section 1602, and shall not grant a county a waiver of the provisions regarding the maximum number of voters in a precinct as required by Section 12223 that would result in more than 3,000 voters being assigned to any single precinct.

(b) (1) The Secretary of State shall not grant a partial waiver or modification to a county unless the elections official in that county demonstrates all of the following:

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

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

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

(2) For the purposes of this subdivision, "protected class" means a class of voters who are members of a race, color, or language minority group, as referenced and defined in the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

1605. (a) Notwithstanding Section 15101, any jurisdiction having the necessary computer capability may start to process vote by mail ballots on

the 29th day before the election. For purposes of this subdivision, “process vote by mail ballots” has the same meaning as in Section 15101.

(b) Notwithstanding Sections 3022, 13263, 13300, 13303, and 13315, the elections official may, but is not required to, include with the county voter information guide an application for a vote by mail ballot.

(c) The elections official shall permit any voter to cast a ballot using a certified remote accessible vote by mail system, regardless of whether the voter is a voter with disabilities or a military or overseas voter.

(d) (1) Notwithstanding subdivisions (a) and (b) of Section 3020, any vote by mail ballot shall be timely cast if it is received by the voter’s elections official via the United States Postal Service or a bona fide private mail delivery company no later than seven days after election day if either of the following is satisfied:

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

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

(2) For purposes of this subdivision, “bona fide private mail delivery company” has the same meaning as in subdivision (c) of Section 3020.

(e) Notwithstanding any other law, for an election for which more than 135 candidates have qualified to appear on the ballot, the Secretary of State may, if it is reasonably necessary to accommodate the limitations of voting systems or vote tabulating devices for certified candidates, authorize county elections officials to modify any of the ballot format requirements set forth in Division 13, including, but not limited to, all of the following:

- (1) Ballot font size.
- (2) Ballot column width.
- (3) Ballot instructions.
- (4) Party labels.
- (5) Ballot rotation.

(f) Notwithstanding any other law, if the Lieutenant Governor issues a proclamation calling a gubernatorial recall election, a district, city, or other political subdivision that previously called a special local election that has not yet been conducted for the submission of any question, proposition, or office to be filled may call that special local election to be consolidated with the gubernatorial recall election if all of the following conditions are met:

- (1) The special local election was called prior to June 15, 2021.

(2) The original date on which the special local election was called is not more than 30 days before and not more than 30 days after the date of the gubernatorial recall election.

(3) The call to consolidate the special local election with the gubernatorial recall election is issued within four days from the date of issuance of the Lieutenant Governor's proclamation.

1606. This chapter shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 3. Section 11108 of the Elections Code is amended to read:

11108. (a) When the Secretary of State has received from one or more county elections officials a petition certified to have been signed by a sufficient number of registered voters to initiate a recall election, the Secretary of State shall, within 10 days, notify each county elections official of that fact.

(b) Notwithstanding any other law, any voter who has signed a recall petition under this chapter shall have the voter's signature withdrawn from the petition upon the voter filing a written request that includes the voter's name, residence address, and signature with the elections official within 30 business days of the Secretary of State's notice provided by subdivision (a).

(c) No later than 10 business days after the withdrawal period provided by subdivision (b), the elections officials shall report to the Secretary of State the total number of signatures that have been withdrawn pursuant to subdivision (b). The Secretary of State shall promptly make a second preliminary determination of whether the petitions have been signed by the sufficient number of registered voters to initiate a recall election. If the petitions have not been signed by a sufficient number of registered voters, the Secretary of State shall notify the county elections officials to continue to verify signatures pursuant to Section 11104. The Secretary of State and elections officials shall continue to make the notifications and reports required by this section until such time as the Secretary of State determines that there is a sufficient number of verified signatures, not including withdrawn signatures, to initiate a recall election.

(d) Upon receipt of the notification from the Secretary of State required in subdivision (c) that there is a sufficient number of verified signatures, not including withdrawn signatures, to initiate a recall election, the Department of Finance shall, in consultation with the affected elections officials and the Secretary of State, estimate the costs of the recall election, including expenses for verifying signatures, printing ballots and voter information guides, and operating polling places. The Department shall estimate the costs that would be incurred if (1) the recall election is held as a special election and (2) the recall election is consolidated with the next regularly scheduled election pursuant to subdivision (b) of Section 15 of Article II of the California Constitution. Within 30 business days of receipt of the Secretary of State's notice of sufficient signatures to initiate a recall required by subdivision (c), the Department of Finance shall submit the estimate to the Governor, the Secretary of State, and the Chairperson of the Joint Legislative Budget Committee.



(e) Notwithstanding any other law, the Secretary of State shall not certify the sufficiency of the signatures under Section 11109 until the Department of Finance has submitted the estimate required by subdivision (d) and either of the following has occurred:

(1) The Joint Legislative Budget Committee has had 30 days to review and comment on the estimate submitted by the Department of Finance pursuant to subdivision (d).

(2) The Legislature has appropriated funds that it determines are reasonably necessary to conduct the recall election and has designated funds for that purpose in the Budget Act or in another statute.

(f) The Secretary of State shall publish a copy of the estimate submitted by the Department of Finance on the Secretary of State’s public internet website no later than 21 business days after the day that the Secretary of State certifies the sufficiency of the signatures under Section 11109.

(g) After the Secretary of State has certified the sufficiency of the signatures under Section 11109, the Director of Finance, or the director’s designee, shall direct the Controller to remit to the elections official from those funds designated for that purpose in any budget act or other statute an amount that takes into consideration the amount of funds available for the purpose, the number of elections officials expected to conduct state recall elections held in that fiscal year, the Department of Finance’s estimates of the costs of each elections official to conduct each state recall election, and the amount reasonably necessary to conduct such recall election.

SEC. 4. Pursuant to Section 11328 of the Elections Code, the 2021 gubernatorial recall election shall be conducted as a regular election for the office of Governor. Subdivision (b) of Section 4005, and Section 12241, of the Elections Code do not apply to the election.

SEC. 5. The sum of thirty-five million dollars (\$35,000,000) is hereby appropriated from the General Fund to the Secretary of State for the purpose of supporting statewide and county costs related to administering the 2021 gubernatorial recall election. It is the intent of the Legislature to consider adjustments to this amount based on the final costs of the gubernatorial recall election.

SEC. 6. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 7. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.