

Assembly Bill No. 969

Passed the Assembly September 8, 2023

Chief Clerk of the Assembly

Passed the Senate September 5, 2023

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2023, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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.

LEGISLATIVE COUNSEL'S DIGEST

AB 969, Pellerin. Elections: voting systems.

Existing law specifies procedures for manual vote counts for a semifinal official canvass in a precinct, including, among others, after the polls have closed, commencing a public count of the ballots cast, unopened, to ascertain whether the number of ballots corresponds with the number of signatures on the roster. These manual vote count procedures apply to all elections in which ballots are counted by hand. Ballots counted manually in a central place are required to be counted by precinct, separately, under the direction of the elections official or their authorized deputies, in the same manner as provided where ballots are counted at the polling place.

This bill would prohibit an elections official from performing a manual vote count in a semifinal official canvass pursuant to the above procedures in any contest held on an established election date, as specified, where there are more than 1,000 registered voters eligible to participate in that election as of 154 days in advance of the election, or in any contest held on a date other than an established election date, where there are more than 5,000 registered voters eligible to participate in that election as of 154 days in advance of the election. The bill would only allow an elections official to conduct a manual vote count for a semifinal official canvass in a precinct pursuant to the above procedures if the count is conducted pursuant to a plan approved by the Secretary of State, as specified. The bill would require the Secretary of State to adopt regulations regarding manual vote counts.

Existing law authorizes the governing board of a local jurisdiction to adopt a voting system for use in an election if the system has been certified or conditionally approved by the Secretary of State.

This bill would require an elections official or the governing body of a jurisdiction that administers elections to use a certified voting system, as specified. This bill would make the termination of a contract for a certified voting system provisional unless and until the jurisdiction has a transition plan and has finalized and signed a new contract for a certified voting system.

By requiring local elections officials to perform additional duties, this bill would impose a state-mandated local program.

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.

This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 15270.1 is added to the Elections Code, to read:

15270.1. (a) An elections official shall not conduct a manual vote count pursuant to this article or Article 6 (commencing with Section 15290) in any election unless that manual count is conducted pursuant to a plan approved by the Secretary of State. A manual count plan shall be consistent with the regulations adopted by the Secretary of State regarding manual vote counts. The Secretary of State shall prepare a template of a manual count plan that an elections official may use to assist in meeting this requirement.

(b) Notwithstanding subdivision (a), an elections official shall not conduct a manual vote count in an election, and the Secretary of State shall not approve a plan to conduct a manual vote count for that election, if either of the following are true:

(1) The election is held on an established election date, as provided in Section 1000, and there are more than 1,000 registered voters who are eligible to participate in that election as of 154 days in advance of the election.

(2) The election is held on a date other than an established election date, and there are more than 5,000 registered voters who are eligible to participate in that election as of 154 days in advance of the election.

SEC. 2. Section 15270.2 is added to the Elections Code, to read:

15270.2. The Secretary of State shall adopt regulations regarding manual vote counts.

SEC. 3. Section 15270.3 is added to the Elections Code, to read:

15270.3. Notwithstanding Section 15270.1 or subdivision (a) of Section 19207.5, an elections official may conduct a manual vote count in the event of a natural disaster or other state of emergency in which use of a certified voting system is not feasible.

SEC. 4. Section 19207.5 is added to the Elections Code, to read:

19207.5. (a) An elections official or the governing body of any jurisdiction that administers elections shall use a voting machine, as defined in Section 361, or a voting system, as defined in Section 362, that has been certified pursuant to this division, to do all of the following:

(1) Provide sufficient numbers of voting machines or voting systems for accessibility pursuant to Section 19242 and the Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).

(2) Tabulate votes.

(b) If a jurisdiction that administers elections terminates a contract for an existing certified voting system, that termination shall be provisional and shall not become final unless and until the jurisdiction that administers elections has satisfied all of the following:

(1) The jurisdiction has a plan to transition to a new voting system that will ensure compliance with applicable state and federal laws.

(2) The jurisdiction has finalized and signed a new contract for a certified voting system.

SEC. 5. 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. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that county elections officials know what voting system they will be using, particularly with the upcoming 2024 March Presidential Primary, it is necessary for this act to take effect immediately.

Approved _____, 2023

Governor