

COMMITTEE LEADERSHIP

Erin Hannigan, District 1
Monica Brown, District 2

STAFF

Matthew A. Davis, CAO



Legislative Committee

Monday, March 27, 2023
1:30 p.m. – 3 p.m.

Solano County Administration Center
675 Texas Street, Conf. Rm 6003 (6th Floor), Fairfield, CA 94533
Call in option on MS Teams: (323) 457-3408, ID 549 240 091#

MEETING AGENDA

(1) – INTRODUCTIONS *(Attendees)*

Supervisor Hannigan and Supervisor Brown

(2) – ADDITIONS / DELETIONS TO THE AGENDA

(3) – PUBLIC COMMENT *(Items not on the agenda)*

(4) – UPDATE FROM SOLANO COUNTY LEGISLATIVE DELEGATION

Representative and/or staff

(5) – STATE LEGISLATIVE UPDATE

Karen Lange, SYASL Partners, Inc.

- (1) Budget update
- (2) Mental Health update
- (3) Legislative report on bills Solano has taken positions on
- (4) Sponsored bill

(6) – STATE ACTION ITEMS

- (1) Receive an update on the California State Association of Counties (CSAC) [AT HOME Plan](#) – a comprehensive plan to address homelessness and consider making a recommendation. *(Requested by Supervisor Hannigan. Presented by CSAC representative and/or Karen Lange, SYASL)*
- (2) Receive an update on [AB 452](#), [\(Addis – D\)](#) an Act to amend the Code of Civil Procedure, relating to childhood sexual assault, and consider making a recommendation. *(Requested by Bernadette Curry, Solano County Counsel. Presented by Karen Lange, SYASL)*
- (3) Receive an update on [SB 642](#), [\(Cortese – D\)](#) an Act to amend sections of the Health and Safety Code, relating to hazardous materials, and consider making a recommendation. *(Requested and presented by Bernadette Curry, Solano County Counsel)*
- (4) Receive an update on [SB 43](#), [\(Eggman – D\)](#) an Act to amend the Health and Safety Code and Welfare and

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Institutions Code, related to mental health, and consider making a recommendation. *(Requested by Jerry Huber, Director of H&SS. Presented by Karen Lange, SYASL)*

- (5) Receive an update on [AB 544](#), ([Bryan – D](#)) an Act to add a chapter to Division 2 of the Elections Code, relating to elections, and consider making a recommendation. *(Requested by Tim Flanagan, Chief Information Officer and Register of Voters. Presented by Tim Flanagan and Karen Lange, SYASL)*
- (6) Receive an update on [AB 884](#), ([Low – D](#) and [Cervantes – D](#)) an Act to amend, repeal and add sections of the Election Code, relating to elections, and consider making a recommendation. *(Requested by Tim Flanagan, Chief Information Officer and Register of Voters. Presented by Tim Flanagan and Karen Lange, SYASL)*
- (7) Receive an update on [AB 1637](#), ([Irwin – D](#)) an Act to add a section to the Government Code, relating to local government, and consider making a recommendation. *(Requested by Tim Flanagan, Chief Information Officer and Register of Voters. Presented by Tim Flanagan and Karen Lange, SYASL)*
- (8) Receive an update on [SB 518](#), ([Wilk – R](#)) an Act to amend a section of the Elections Code, relating to elections, and consider making a recommendation. *(Requested by Tim Flanagan, Chief Information Officer and Register of Voters. Presented by Tim Flanagan and Karen Lange, SYASL)*

(7) – FEDERAL LEGISLATIVE UPDATE

Paragon Government Relations

- (1) General Legislative Update

(8) – FUTURE SCHEDULED MEETINGS

- (1) Monday, April 24, 2023 starting at 1:30 p.m.
- (2) Monday, June 5, 2023 starting at 1:30 p.m.
- (3) Monday, June 19, 2023 starting at 1:30 p.m.

(9) ADJOURN



A COMPREHENSIVE PLAN TO ADDRESS HOMELESSNESS



Homelessness is THE humanitarian crisis of our time. Despite significant investments by the state and local governments, California lacks a comprehensive plan to address it effectively and equitably. The current approach to helping those who are unhoused is fragmented and lacks clear lines of responsibility, accountability and sustainability. This must change.

To make meaningful progress in helping those who are unhoused, the California State Association of Counties (CSAC) offers the 'AT HOME' Plan. Counties are determined to work with our federal, state and local partners, and in partnership with the Governor and the Legislature, to implement this comprehensive plan to help those who are unhoused or at risk of becoming unhoused in our communities.

A CCOUNTABILITY



Clear responsibilities aligned to authority, resources, and flexibility for all levels of government

No one level of government is solely responsible for the homelessness crisis. We need to develop a comprehensive and coordinated plan that includes all levels of government. The undertow of massive economic and systemic inequities, as well as a tangled web of decisions made by well-intentioned policies and programs built over decades, continues to stymie efforts to support those who are unhoused or at risk of becoming unhoused.

- Clearly define city and county roles for siting and supporting shelters, siting permanent supportive housing, encampment outreach, and encampment clean-up.
- Commit ongoing funding – one-time funding is neither sustainable nor conducive to maintaining programs.
- Work with the state and cities from start to finish, require the submission of countywide or regional plans with established, clear goals and responsibilities.
- Allocate funding commensurate with the responsibilities each entity has within the plan and provide for maximum local flexibility to be used in accordance with established goals and outcomes.

T RANSPARENCY



Integrate and expand data to improve program effectiveness

Current data systems and data sharing do not support an integrated case management approach to helping those who are unhoused or at risk of becoming unhoused.

- Integrate and expand data systems to enhance transparency and allow for data-driven decision making.
- Enhance existing health, social services and state and local criminal justice data systems to provide more robust data on the immediate and long-term needs of individuals and better manage institutional discharges.

H OUSING



Increase and maintain housing units across the spectrum

There is a significant shortage of housing in California, especially affordable housing to support aged, disabled and very low-income residents.

- Increase resources needed to acquire, build and operate housing solutions across the full housing continuum, especially permanent supportive housing for individuals with complex needs.
- Increase flexibility and streamlining to generate more affordable housing projects.
- Create flexible housing subsidies and modify federal Housing Choice Vouchers to help more individuals utilize rental assistance to maintain housing.

O UTREACH



Develop sustainable outreach systems and increase workforce to support these systems

There is a significant shortage of Health and Human Services (HHS) workers to manage the programs and services that assist with addressing homelessness in California. In addition to identifying ways to support and build this workforce, new classifications that leverage lived experience and support housing navigation are also needed. To further strengthen and stabilize this system, federal funding should be obtained for many of these critical activities.

- Recruit, train and retain a robust HHS workforce and consider new certifications for workers in housing and other fields.
- Leverage additional federal funding for outreach and rapid response.
- Expand training and quality improvement incentives for law enforcement and probation responding to unhoused individuals.

M ITIGATION



Strengthen safety net programs

Counties run or administer most health and human services programs on behalf of the state. These programs serve as the safety net in California, and we must strengthen these programs to prevent individuals from becoming homeless.

- Provide adequate funding for county administration of safety net programs to ensure eligible individuals can be enrolled and receive the services they need timely.
- Increase the availability of and access to programs and services that provide screening, treatment, and recovery services for substance use disorder.
- Increase flexibility for county behavioral health funding to maximize federal Medi-Cal funds and expand the reach of county behavioral health investments for the unsheltered population.

E CONOMIC OPPORTUNITY



Create employment and education pathways, as well as supports for basic needs

Specialized education and career programs and services are needed to support the economic opportunity and long-term self-sufficiency of those who are formerly homeless or at risk of experiencing homelessness, including justice-involved individuals, veterans, older Californians, and former foster youth.

- Update local workforce development and investment boards to address employment for unhoused populations and work with California Community Colleges to develop programs that support the formerly unhoused.
- Increase accessible programs for justice-involved individuals to receive training and overcome employment barriers.
- Continue and expand efforts to assist more qualifying aged, blind, and disabled persons to obtain SSI/SSP benefits and expand subsidized housing placements for these populations.

3/10/23

FOR MORE INFORMATION, CONTACT:

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A CCOUNTABILITY



Clear responsibilities aligned to authority, resources, and flexibility for all levels of government

Counties and cities across California are leading and collaborating to provide solutions to homelessness. Many counties and cities have already forged countywide plans that bring together cities, tribal governments, continuums of care, housing authorities, managed care plans, and community based organizations. To effectively address homelessness statewide and increase accountability, partnerships and plans are necessary. This will involve cities and counties coming together with clearly defined roles, responsibilities, and actions needed to address homelessness.

The state can support local governments by aligning fiscal incentives in a way that supports defined responsibilities and collaboration. The Homeless Housing, Assistance and Prevention (HHAP) grants have been an important flexible funding source to support local efforts to address homelessness and recent distributions have encouraged the submission of joint plans for overlapping jurisdictions. More state actions that further local coordination are warranted.

In order to build a comprehensive and accountable system, not only must there be plans with clearly defined roles, responsibilities, and actions, but there also must be ongoing funding from the state. Local governments have made significant investments to address homelessness. However, counties and cities are not able to make long-term commitments to a comprehensive system of care with one-time state funding and will not be able to maintain the level of services temporarily supported by the federal COVID-19 related funding and HHAP funding. Sustained state funding, paired with local flexibility and technical assistance, is necessary to achieve continued and sustained progress on homelessness and to meet measurable goals aligned to investments and authority.

Current state and federal funding streams that support homelessness efforts are fraught with complexity and support a patchwork of programs administered by different governmental entities. This has often resulted in actions by different entities that are not aligned and accountable to measurable goals. The current funding structure has led to fractured decision making and administrative convolution that hinder progress in addressing homelessness.

TO IMPROVE ACCOUNTABILITY, THE FOLLOWING ACTIONS ARE RECOMMENDED:

- Consolidate HHAP grant and reporting countywide or within a multi-county region to support a countywide or regional plan with one fiscal agent. In some instances, such as large counties with big cities, a countywide plan with multiple fiscal agents may be accommodated. Allocations through the fiscal agent will be determined by the agreed upon plan and commensurate with the level of roles and responsibilities that each county and city has within the plan. Continuums of care would also be allocated funding through the fiscal agent consistent with assigned responsibilities under the countywide plan. It is critical that these plans are built and approved by counties and cities that are ultimately responsible and accountable to constituents for the implementation of the plan and have unique authority to site required infrastructure.

- Provide HHAP funding ongoing to support one countywide or regional plan to address homelessness.
- As a condition of receiving HHAP funding, counties and cities must agree to a defined set of roles and responsibilities related to homelessness that shall minimally include, unless otherwise determined:
 - Counties have the responsibility for health and social safety net programs on behalf of the state and administer these services in a manner that reaches individuals at risk of or experiencing homelessness.
 - Counties have the responsibility to provide specialty mental health and substance use disorder services to low-income persons and administer these services in a manner that reaches individuals at risk of or experiencing homelessness.
 - Cities shall be responsible for siting, funding, and supporting shelters for the unsheltered population within their jurisdiction. Counties shall be responsible for siting, funding, and supporting shelters for the unsheltered population within the unincorporated areas of the county. Shelter beds needed shall be determined by the concentration of homelessness in each incorporated and unincorporated jurisdiction.
 - Cities shall be responsible for siting permanent supportive housing within their jurisdiction. Counties shall be responsible for siting permanent supportive housing within the unincorporated areas of the county.
 - Cities shall be responsible for clean-up and sanitation of encampments within their jurisdiction. Counties shall be responsible for clean-up and sanitation of encampments in unincorporated areas of the county. These responsibilities are done with an understanding of state and federal responsibility for clean-up and sanitation of encampments on state-owned properties and federal lands, respectively.
 - Clearly define responsibilities for cities and counties related to encampment outreach.
- Funded entities must submit a local homelessness action plan that includes clear outcome goals on a range of metrics, including how the plan addresses equity. Funded entities can be held accountable to these goals only to the extent that the state provides sufficient funding for the reasonable costs of the interventions identified to achieve those goals.
- Maximize local flexibility for uses of this funding in order that funded entities have the ability to best utilize this funding at the local level to achieve the goals of the homelessness action plan. Improve flexibility and understanding of diverse local conditions in designing requirements for local plans.
- Provide enhanced technical assistance, especially to those jurisdictions with limited resources, staffing, and community partners.
- Provide performance-based funding for countywide plans that meet metrics in reducing homelessness. Funded entities should be rewarded for aggressive goals and achieving success.
- Establish a minimum county amount to ensure that smaller counties can sufficiently support staffing and programs. Relying on Point-in-Time (PIT) counts solely for allocations can negatively impact counties with severe winter weather. Minimum allocations are a consistent feature of many health and human services programs.
- Consider consolidating or redesigning other related programs and funding streams that support homelessness efforts, such as rental assistance and encampment resolution, to further simplify and streamline funding.

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T RANSPARENCY

 Integrate and expand data to improve program effectiveness

An accountable system to address homelessness requires transparency. Current data systems and data sharing are fragmented and do not support case management-type approaches for addressing homelessness. Improved data systems are important to improve effectiveness of countywide systems. Some counties have used temporary federal and state funds to support new data systems to better serve the unhoused population.

In addition, there is currently considerable inefficiency in delivering services to homeless individuals who are in and out of institutional settings. One new opportunity for improvement is the Data Exchange Framework (DxF) under the California Health and Human Service Agency, which requires certain health care entities, and encourages county health, public health, and social services, to participate in better data sharing across health and human services to serve the needs of the whole person.

Without meaningful data systems it will be challenging for the state and local governments to demonstrate transparency about progress and improve outcomes, especially given the myriad of entities that support local efforts to reduce homelessness.

TO IMPROVE TRANSPARENCY, THE FOLLOWING ACTIONS ARE RECOMMENDED:

- Provide funding and technical assistance to support more robust data systems with case management and secure data sharing capabilities, including the infrastructure needed to integrate to the DxF.
- Standardize data collection and planning around institutional discharge.
- Pursue enhancements to existing health, social services, and state and local criminal justice data systems to provide more robust data on the immediate and long-term housing needs of individuals.
- Increase the number of users with Homeless Data Integration System (HDIS) access in each local jurisdiction and support expanded users county-wide that can input into local Homeless Management Information Systems (HMIS).

H HOUSING



Increase and maintain housing units across the spectrum

There is a significant housing shortage across the full housing continuum in California and the supply of permanent, affordable housing continues to be a considerable challenge to addressing homelessness. This is especially true for affordable housing to support Californians who are aged, disabled, justice involved, and/or have significant mental health or substance use disorder needs. Many jurisdictions also lack the infrastructure needed to provide basic shelter or interim housing to the unhoused population. In response to the COVID-19 pandemic, significant temporary federal and state funds were invested to increase capacity and provide housing and income protections to very low-income Californians, but many of those sources have expired or are expiring.

Siting shelters and supportive housing often draws significant resistance from community members, and counties and cities must continue to work to remove these barriers and identify and support the development of infrastructure needed to address homelessness. However, local governments do not have the tools and funding needed to develop these units to scale. Low-income housing projects are most often financed with a combination of tax-exempt bonds, federal and state tax credits, as well as other local funding sources. The state and federal sources of funding are significantly oversubscribed, which is limiting the number of projects that can go forward, especially in areas of the state that do not have large contributions from philanthropy for this purpose. Local governments have all too often seen projects stalled when local communities object to new housing, particularly for the most vulnerable populations.

TO ACCELERATE THE DEVELOPMENT OF HOUSING AND SHELTERS NEEDED TO ADDRESS HOMELESSNESS AND HELP INDIVIDUALS MAINTAIN THEIR HOUSING, THE FOLLOWING ACTIONS ARE RECOMMENDED:

- Advocate for more federal and state support to build and maintain housing for low-income Californians and develop creative financing models to increase the feasibility of more projects.
- Increase the development and operational support of permanent supportive housing and other housing tailored to support individuals with complex/high needs, including individuals with behavioral health needs, or justice involvement, including recovery residences.
- Create and fund flexible housing subsidies to supplement existing rental assistance efforts that could be targeted toward specific populations, such as older adults, individuals with disabilities, and individuals with behavioral health conditions.
- Increase the value, portability, and number of federal Housing Choice Vouchers. This could also include flexibility to serve individuals with unique challenges including behavioral health conditions. This could be achieved through a California or multi-state demonstration project or other action by the federal Department of Housing and Urban Development (HUD) or Congress.
- Provide separate and sufficient funding for housing for CARE Act participants.

- Provide alternate funding mechanisms to reduce local development and construction fees, such as the state's Infill Infrastructure Grant Program.
- Address significant barriers of well-intentioned tools and processes being used to block projects or create local challenges to growth.
- Categorically exempt all permanent supportive housing, shelters, and transitional housing that meet specified criteria from CEQA review.
- Combine and streamline the variety of existing state housing programs to focus these resources on creating permanent affordable housing. For example, the Department of Housing and Community Development has approximately 20 active state housing-related grant programs in 12 categories. Consolidating existing programs and adjusting statutory eligibility requirements can help focus these streams of funding to address the most critical aspects needed to construct permanent housing to address and prevent homelessness.
- Streamline a variety of existing development and construction-related statutes and codes to reduce the complexity of planning, permitting, and constructing affordable housing. This should focus on ensuring statutory requirements in Government, Public Resources, Health and Safety Codes as well as the Building Standards Code regulations work coherently to incentivize and streamline the delivery of affordable, equitable and safe housing.
- Pursue policies that allow additional temporary safe parking, gathering sites, and other non-traditional, innovative housing options.
- Remove additional state requirements for non-entitlement jurisdictions for HOME Investments Partnerships Program (HOME) and the Community Development Block Grant (CDBG) program funding.
- Advocate for flexibility in county social safety net programs to support housing stability and prevent homelessness.
- Advocate for several policy changes at the federal level:
 - Restore the 12.5 percent federal Low-Income Housing Tax Credits that expired at the end of 2021.
 - Lower the 50 percent test to 25 percent to decrease the amount of private activity bonds needed to access the housing tax credit.
 - Increase the statutory cap of Project-Based Vouchers (PBVs) from 20 percent to 50 percent.
 - Replace Fair Market Rental formulas with reasonable rate rental formulas.

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UTREACH



Develop sustainable outreach systems and increase workforce to support these systems

Addressing homeless encampments shifted considerably after the *Martin v. City of Boise* decision and during the COVID-19 pandemic with public health guidance issued by both the federal and state governments. Working to connect individuals living in homeless encampments with services and housing requires considerable efforts by counties, cities, and other partners. However, outreach and casework around encampments are not covered activities under any of the state and federal entitlement programs, including Medi-Cal. Many successful local efforts have been implemented using one-time state and federal funding to coordinate the outreach and casework needed to transition persons living in encampments into housing, and continuing those efforts is critical.

County governments and other levels of government are currently facing the most difficult labor market in decades. There are significant and well documented challenges to recruiting, training, and retaining qualified staff especially in behavioral health and social worker classifications. These types of workers, as well as leveraging lived experience and creating new trained classifications, are necessary to expand the service and provider network sufficiently to support comprehensive homelessness services, especially to support housing navigation.

THE FOLLOWING ARE RECOMMENDED ACTIONS TO IMPROVE OUTREACH AND RESOLUTION TO HOMELESS ENCAMPMENTS:

- Develop statewide street outreach through a new pre-approved Medi-Cal Administrative Activities Plan and structure to maximize federal reimbursement for these activities, as well as pursue other avenues for federal funding for outreach, rapid response, follow up, and individual retention activities.
- Expand training incentives for law enforcement and probation related to responding to individuals experiencing homelessness.
- Identify the specific skills that are needed for a homeless response system workforce and develop training, coaching, and support programs. This includes leveraging lived experience and developing skills that are needed to help individuals navigate the housing landscape.
- Consider creation of certification for workers in the housing field and homelessness navigator field. Professionalizing work on housing and homelessness would help highlight the specialized knowledge required to be effective practitioners helping individuals with housing issues. This could be achieved through a state, community college, local government, and health plan partnership.
- Support the integration of the new community health worker benefit through the managed care plans with the homelessness outreach system and county behavioral health.
- Provide support for regional hubs for training and workforce resources statewide.

3/10/23

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MITIGATION



Strengthen safety net programs

Counties run or administer eligibility for most health and human services programs on behalf of the state and federal governments. The major programs include CalWORKs, Medi-Cal, mental health and substance use disorder services, In-Home Supportive Services, Child Welfare Services, Adult Protective Services, and CalFresh. Counties also are responsible for administering a General Assistance program for indigent individuals who are not eligible for the state CalWORKs program. Successful implementation of these core health and social services programs are the front lines of preventing homelessness. This is the safety net in California.

State supports and initiatives are essential for effective health and human services programs. However, funding is often prescriptive and not aligned to the cost of service delivery through a skilled and trained workforce or reflective of actual county costs. Furthermore, the infrastructure grants and other state grant opportunities are often complex and challenging for counties to maximize, especially smaller counties. The state should make efforts to maximize federal resources through Medi-Cal that can be deployed to support serving individuals experiencing homelessness. The state should also consider streamlining reporting and providing additional flexibility when allocating funding to counties to allow for additional local efforts that will focus on preventing homelessness across the programs administered by the counties. Ensuring counties have sufficient resources to administer these key programs will help individuals maintain their health, self-sufficiency, and housing.

THE FOLLOWING ARE RECOMMENDED ACTIONS TO IMPROVE MITIGATION EFFORTS FOR INDIVIDUALS EXPERIENCING HOMELESSNESS AND TO PREVENT INDIVIDUALS FROM BECOMING HOMELESS:

- Increase flexibility for county behavioral health funding to maximize federal Medi-Cal funds and expand the reach of county behavioral health investments for the unsheltered population.
- Ensure adequate funding and resources for county administration of key safety net programs to ensure eligible individuals can be enrolled and receive the services they need timely.
- Pursue opportunities to obtain matching federal funds including Medi-Cal Administrative Activities and claiming for social services, health, and behavioral health activities to help stretch investments.
- Continue support and partnership on the California Behavioral Health Community-Based Continuum Demonstration federal waiver request (Institutions for Mental Disease or IMD) to increase reimbursement for short-term inpatient costs.
- Leverage funding and coordination opportunities with the recent approval of the federal Medicaid 1115 demonstration waiver that will establish a coordinated community reentry process and provide for a targeted set of Medi-Cal services to youth and adults in state prisons, county jails, and youth correctional facilities for up to 90 days prior to release.

- Provide state funding for county conservatorship activities, which are currently underfunded. There is a growing demand for these services and resources must also be provided for any expanded duties or increased populations served.
- Increase opportunities for counties to participate in California Advancing and Innovating Medi-Cal (CalAIM) for homelessness supports.
- Seek federal approval to make housing support services a guaranteed Medi-Cal benefit that managed care plans must offer within CalAIM.
- Increase the payment levels for individuals with a mental health condition residing in board and care facilities and other applicable facilities.
- Increase state funding to expand availability of and access to programs and residential treatment that provide recovery services for substance use disorder.

3/10/23

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E CONOMIC OPPORTUNITY



Create employment and education pathways, as well as supports for basic needs

To address homelessness over the long-term, there must be a goal and focus on employment, self-sufficiency, and the ability to cover basic needs for formerly homeless individuals. Specialized education and career supports are needed for formerly homeless, including justice-involved individuals, veterans, and former foster youth, to help support economic stability and opportunity.

Counties need additional support to build these programs. These efforts should be in collaboration with the key entities that provide services to and employ individuals. Finally, programs must recognize the unique challenges individuals face and provide supports for their needs and help them maintain employment.

TO DEVELOP AND SCALE THESE PROGRAMS, THE FOLLOWING RECOMMENDATIONS SHOULD BE CONSIDERED:

- Require local workforce development/investment boards to update plans to address this population in coordination with counties and cities.
- Work with California Community Colleges to develop programs that support those who are currently or formerly unsheltered.
- Support accessible programs for formerly homeless justice-involved individuals to receive training and overcome employment barriers.
- Provide resources for supported education and employment model programs.
- Encourage investment in statewide peer support services and certification to employ individuals who are formerly homeless to assist in outreach, recovery, treatment, and case management.
- Support efforts that strive to create economic opportunities for all populations, including urban, suburban, rural, and disadvantaged communities.
- Continue and expand efforts to assist more qualifying aged, blind, and disabled persons obtain SSI/SSP benefits and expand subsidized housing placements for these populations.

AMENDED IN ASSEMBLY MARCH 13, 2023
AMENDED IN ASSEMBLY FEBRUARY 17, 2023
CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 452

Introduced by Assembly Member Addis
(Principal coauthor: Senator Skinner)

February 6, 2023

An act to amend Section 340.1 of the Code of Civil Procedure, relating to childhood sexual assault.

LEGISLATIVE COUNSEL'S DIGEST

AB 452, as amended, Addis. Childhood sexual assault: statute of limitations.

Existing law requires that specified actions for recovery of damages suffered as a result of childhood sexual assault, as defined, be commenced within 22 years of the date the plaintiff attains the age of majority or within 5 years of the date the plaintiff discovers or reasonably should have discovered that psychological injury or illness occurring after the age of majority was caused by the sexual assault, whichever occurs later. Existing law prohibits certain of those actions from commencing on or after the plaintiff's 40th birthday unless the person or entity knew or had reason to know, or was otherwise on notice, of any misconduct that creates a risk of childhood sexual assault by an employee, volunteer, representative, or agent, or the person or entity failed to take reasonable steps or to implement reasonable safeguards to avoid acts of childhood sexual assault, as specified. *Existing law revives claims that would otherwise have been barred as of January 1, 2020, because the applicable statute of limitations, claim presentation*

deadline, or any other time limit had expired and authorizes the claims to be commenced within specified time periods.

This bill would eliminate time limits for the commencement of actions for the recovery of damages suffered as a result of childhood sexual assault, as specified. The bill would eliminate the prohibition on certain actions proceeding on or after the plaintiff’s 40th birthday unless specified conditions are met. *The bill would specify that its provisions apply to any claim arising on and after January 1, 2024.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 340.1 of the Code of Civil Procedure is
2 amended to read:
3 340.1. (a) There is no time limit for the commencement of
4 any of the following actions for recovery of damages suffered as
5 a result of childhood sexual assault:
6 (1) An action against any person for committing an act of
7 childhood sexual assault.
8 (2) An action for liability against any person or entity who owed
9 a duty of care to the plaintiff, if a wrongful or negligent act by that
10 person or entity was a legal cause of the childhood sexual assault
11 that resulted in the injury to the plaintiff.
12 (3) An action for liability against any person or entity if an
13 intentional act by that person or entity was a legal cause of the
14 childhood sexual assault that resulted in the injury to the plaintiff.
15 (b) (1) In an action described in subdivision (a), a person who
16 is sexually assaulted and proves it was as the result of a cover up
17 may recover up to treble damages against a defendant who is found
18 to have covered up the sexual assault of a minor, unless prohibited
19 by another law.
20 (2) For purposes of this subdivision, a “cover up” is a concerted
21 effort to hide evidence relating to childhood sexual assault.
22 (c) “Childhood sexual assault” as used in this section includes
23 any act committed against the plaintiff that occurred when the
24 plaintiff was under the age of 18 years and that would have been
25 proscribed by Section 266j of the Penal Code; Section 285 of the
26 Penal Code; paragraph (1) or (2) of subdivision (b), or of
27 subdivision (c), of Section 286 of the Penal Code; subdivision (a)

1 or (b) of Section 288 of the Penal Code; paragraph (1) or (2) of
2 subdivision (b), or of subdivision (c), of Section 287 or of former
3 Section 288a of the Penal Code; subdivision (h), (i), or (j) of
4 Section 289 of the Penal Code; any sexual conduct as defined in
5 paragraph (1) of subdivision (d) of Section 311.4 of the Penal
6 Code; Section 647.6 of the Penal Code; or any prior laws of this
7 state of similar effect at the time the act was committed. This
8 subdivision does not limit the availability of causes of action
9 permitted under subdivision (a), including causes of action against
10 persons or entities other than the alleged perpetrator of the abuse.

11 (d) This section shall not be construed to alter the otherwise
12 applicable burden of proof, as defined in Section 115 of the
13 Evidence Code, that a plaintiff has in a civil action subject to this
14 section.

15 (e) Every plaintiff 40 years of age or older at the time the action
16 is filed shall file certificates of merit as specified in subdivision
17 (f).

18 (f) Certificates of merit setting forth the facts that support the
19 declaration shall be executed by the attorney for the plaintiff and
20 by a licensed mental health practitioner selected by the plaintiff
21 declaring, respectively, as follows:

22 (1) That the attorney has reviewed the facts of the case,
23 consulted with at least one mental health practitioner who the
24 attorney reasonably believes is knowledgeable of the relevant facts
25 and issues involved in the particular action, and concluded on the
26 basis of that review and consultation that there is reasonable and
27 meritorious cause for the filing of the action.

28 (2) That the mental health practitioner consulted is licensed to
29 practice and practices in this state and is not a party to the action,
30 that the practitioner is not treating and has not treated the plaintiff,
31 and that the practitioner has interviewed the plaintiff and is
32 knowledgeable of the relevant facts and issues involved in the
33 particular action, and has concluded, on the basis of the
34 practitioner's knowledge of the facts and issues, that in the
35 practitioner's professional opinion there is a reasonable basis to
36 believe that the plaintiff had been subject to childhood sexual
37 abuse.

38 (g) If certificates are required pursuant to subdivision (e), the
39 attorney for the plaintiff shall execute a separate certificate of merit
40 for each defendant named in the complaint.

1 (h) In any action subject to subdivision (e), a defendant shall
2 not be served, and the duty to serve a defendant with process does
3 not attach, until the court has reviewed the certificates of merit
4 filed pursuant to subdivision (f) with respect to that defendant, and
5 has found, in camera, based solely on those certificates of merit,
6 that there is reasonable and meritorious cause for the filing of the
7 action against that defendant. At that time, the duty to serve that
8 defendant with process shall attach.

9 (i) A violation of this section may constitute unprofessional
10 conduct and may be the grounds for discipline against the attorney.

11 (j) The failure to file certificates in accordance with this section
12 shall be grounds for a demurrer pursuant to Section 430.10 or a
13 motion to strike pursuant to Section 435.

14 (k) In any action subject to subdivision (e), a defendant shall
15 be named by “Doe” designation in any pleadings or papers filed
16 in the action until there has been a showing of corroborative fact
17 as to the charging allegations against that defendant.

18 (l) At any time after the action is filed, the plaintiff may apply
19 to the court for permission to amend the complaint to substitute
20 the name of the defendant or defendants for the fictitious
21 designation, as follows:

22 (1) The application shall be accompanied by a certificate of
23 corroborative fact executed by the attorney for the plaintiff. The
24 certificate shall declare that the attorney has discovered one or
25 more facts corroborative of one or more of the charging allegations
26 against a defendant or defendants, and shall set forth in clear and
27 concise terms the nature and substance of the corroborative fact.
28 If the corroborative fact is evidenced by the statement of a witness
29 or the contents of a document, the certificate shall declare that the
30 attorney has personal knowledge of the statement of the witness
31 or of the contents of the document, and the identity and location
32 of the witness or document shall be included in the certificate. For
33 purposes of this section, a fact is corroborative of an allegation if
34 it confirms or supports the allegation. The opinion of any mental
35 health practitioner concerning the plaintiff shall not constitute a
36 corroborative fact for purposes of this section.

37 (2) If the application to name a defendant is made before that
38 defendant’s appearance in the action, neither the application nor
39 the certificate of corroborative fact by the attorney shall be served

1 on the defendant or defendants, nor on any other party or their
2 counsel of record.

3 (3) If the application to name a defendant is made after that
4 defendant's appearance in the action, the application shall be served
5 on all parties and proof of service provided to the court, but the
6 certificate of corroborative fact by the attorney shall not be served
7 on any party or their counsel of record.

8 (m) The court shall review the application and the certificate of
9 corroborative fact in camera and, based solely on the certificate
10 and any reasonable inferences to be drawn from the certificate,
11 shall, if one or more facts corroborative of one or more of the
12 charging allegations against a defendant has been shown, order
13 that the complaint may be amended to substitute the name of the
14 defendant or defendants.

15 (n) The court shall keep under seal and confidential from the
16 public and all parties to the litigation, other than the plaintiff, any
17 and all certificates of corroborative fact filed pursuant to
18 subdivision (l).

19 (o) Upon the favorable conclusion of the litigation with respect
20 to any defendant for whom a certificate of merit was filed or for
21 whom a certificate of merit should have been filed pursuant to this
22 section, the court may, upon the motion of a party or upon the
23 court's own motion, verify compliance with this section by
24 requiring the attorney for the plaintiff who was required by
25 subdivision (f) to execute the certificate to reveal the name, address,
26 and telephone number of the person or persons consulted with
27 pursuant to subdivision (f) that were relied upon by the attorney
28 in preparation of the certificate of merit. The name, address, and
29 telephone number shall be disclosed to the trial judge in camera
30 and in the absence of the moving party. If the court finds there has
31 been a failure to comply with this section, the court may order a
32 party, a party's attorney, or both, to pay any reasonable expenses,
33 including attorney's fees, incurred by the defendant for whom a
34 certificate of merit should have been filed.

35 (p) Notwithstanding any other law, a claim for damages
36 described in paragraphs (1) through (3), inclusive, of subdivision
37 ~~(a)~~ (a), *as that subdivision read on December 31, 2023*, that has
38 not been litigated to finality and that ~~was barred~~ *would otherwise*
39 *have been barred as of January 1, 2020*, because the applicable
40 statute of limitations, claim presentation deadline, or any other

1 time limit had expired, is ~~revived~~. *revived, and these claims may*
2 *be commenced within the time periods authorized by subdivision*
3 *(q) of this section as that subdivision read on December 31, 2023.*
4 *(q) The changes made to the time period described in subdivision*
5 *(a), as that subdivision read on December 31, 2023, by the act*
6 *amending that subdivision in 2019 apply to and revive any action*
7 *commenced on or after the date of the enactment of that act and*
8 *before January 1, 2024, and to any action filed before the date of*
9 *enactment and still pending on that date, including any action or*
10 *causes of action that would have been barred by the laws in effect*
11 *before the date of enactment.*
12 ~~(q)~~
13 *(r) Notwithstanding any other law, including Chapter 1 of Part*
14 *3 of Division 3.6 of Title 1 of the Government Code (commencing*
15 *with Section 900) and Chapter 2 of Part 3 of Division 3.6 of Title*
16 *1 of the Government Code (commencing with Section 910), a*
17 *claim for damages described in paragraphs (1) through (3),*
18 *inclusive, of subdivision (a), is not required to be presented to any*
19 *government entity prior to the commencement of an action.*
20 *(s) The changes made to this section by the act adding this*
21 *subdivision in 2023 apply to any claim arising on and after January*
22 *1, 2024.*

Introduced by Senator CorteseFebruary 16, 2023

An act to amend Sections 25117, 25181, 25182, 25191.7, 25192, 25270.12, 25299, 25299.01, 25299.02, 25515.5, 25515.6, 25515.7, 25516, 79705, and 118325 of the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

SB 642, as introduced, Cortese. Hazardous materials: enforcement: county counsel.

Existing law regulates the generation, transportation, and disposal of hazardous materials. Existing law authorizes the city attorney, district attorney, and the Attorney General, at the request of the Department of Toxic Substances Control or a unified program agency, to bring an action seeking to enjoin a violation of laws and regulations governing the generation, transportation, and disposal of hazardous materials. Existing law specifies that every civil action brought at the request of the department or a unified program agency is to be brought by the city attorney, the county attorney, the district attorney, or the Attorney General in the name of the people of the State of California and that those actions relating to the same processing or disposal of hazardous waste may be joined or consolidated.

This bill would authorize the county counsel to bring an action seeking to enjoin a violation of laws and regulations governing the generation, transportation, and disposal of hazardous materials. The bill would specify that county counsel, at the request of the department or a unified program agency, is authorized to bring a civil action in the name of the people of the State of California to enforce laws and regulations

governing the generation, transportation, and disposal of hazardous materials.

Existing law requires certain businesses that handle hazardous materials to prepare a business and area plan relating to the handling and release or threatened release of hazardous materials and authorizes the city attorney, district attorney, and Attorney General to bring an action to enforce these requirements. Existing law regulates the operation of underground storage tanks and aboveground storage tanks and authorizes the city attorney, district attorney, and the Attorney General to bring an action to enforce these requirements. Existing law regulates the handling, storage, and disposal of medical waste and authorizes the city attorney, district attorney, and the Attorney General to bring an action to enforce these requirements.

This bill would authorize the county counsel to bring an action to enforce the requirements related to the business and area plans, underground storage tanks, aboveground storage tanks, or medical waste.

This bill would make various conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. Section 25117 of the Health and Safety Code is
2 amended to read:
3 25117. (a) Except as provided in subdivision (d), “hazardous
4 waste” means a waste that meets any of the criteria for the
5 identification of a hazardous waste adopted by the department
6 pursuant to Section 25141.
7 (b) “Hazardous waste” includes, but is not limited to, RCRA
8 hazardous waste.
9 (c) Unless expressly provided otherwise, “hazardous waste”
10 also includes extremely hazardous waste and acutely hazardous
11 waste.
12 (d) Notwithstanding subdivision (a), in any criminal or civil
13 prosecution brought by a city ~~or attorney~~, *county counsel*, district
14 ~~attorney attorney~~, or the Attorney General for violation of this
15 chapter, when it is an element of proof that the person knew or
16 reasonably should have known of the violation, or violated the
17 chapter willfully or with reckless disregard for the risk, or acted

1 intentionally or negligently, the element of proof that the waste is
2 hazardous waste may be satisfied by demonstrating that the waste
3 exhibited the characteristics set forth in subdivision (b) of Section
4 25141.

5 SEC. 2. Section 25181 of the Health and Safety Code is
6 amended to read:

7 25181. (a) ~~When~~*If* the department determines that ~~any a~~
8 person has engaged in, is engaged in, or is about to engage in any
9 acts or practices ~~which~~ *that* constitute or will constitute a violation
10 of this chapter, or any rule, regulation, permit, covenant, standard,
11 requirement, or order issued, promulgated, or executed thereunder,
12 and when requested by the department, the city attorney of the city
13 in which those acts or practices occur, occurred, or will occur, *the*
14 *county counsel* or the district attorney of the county in which those
15 acts or practices occur, occurred, or will occur, or the Attorney
16 General may apply to the superior court for an order enjoining
17 those acts or practices, or for an order directing compliance, and
18 upon a showing by the department that the person has engaged in
19 or is about to engage in those acts or practices, a permanent or
20 temporary injunction, restraining order, or other order may be
21 granted.

22 (b) ~~When~~*If* the unified program agency determines that ~~any a~~
23 person has engaged in, is engaged in, or is about to engage in any
24 acts or practices which constitute or will constitute a violation of
25 this chapter, or any rule, regulation, permit, covenant, standard,
26 requirement, or order issued, promulgated, or executed thereunder,
27 and when requested by the unified program agency, the city
28 attorney of the city in which those acts or practices occur, occurred,
29 or will occur, *the county counsel* or the district attorney of the
30 county in which those acts or practices occur, occurred, or will
31 occur, or the Attorney General, may apply to the superior court
32 for an order enjoining those acts or practices, or for an order
33 directing compliance, and upon a showing by the unified program
34 agency that the person has engaged in or is about to engage in
35 those acts or practices, a permanent or temporary injunction,
36 restraining order, or other order may be granted.

37 SEC. 3. Section 25182 of the Health and Safety Code is
38 amended to read:

39 25182. Every civil action brought under this chapter at the
40 request of the department or a unified program agency shall be

1 brought by the city attorney, the county~~attorney~~, *counsel*, the
2 district attorney, or the Attorney General in the name of the people
3 of the State of California, and any such actions relating to the same
4 processing or disposal of hazardous wastes may be joined or
5 consolidated.

6 SEC. 4. Section 25191.7 of the Health and Safety Code is
7 amended to read:

8 25191.7. (a) ~~Any~~A person who provides information~~which~~
9 *that* materially contributes to the imposition of a civil penalty or
10 criminal fine against~~any~~ a person for violating this chapter shall
11 be paid a reward pursuant to regulations adopted by the department
12 under subdivision (f). The reward shall be equal to 10 percent of
13 the amount of the civil penalty or criminal fine collected by the
14 department, district attorney, *county counsel*, or city attorney. The
15 department shall pay the award to the person who provides
16 information~~which~~ *that* results in the imposition of a civil penalty,
17 and the county shall pay the award to the person who provides
18 information~~which~~ *that* results in the imposition of a criminal fine.
19 No reward paid pursuant to this subdivision shall exceed five
20 thousand dollars (\$5,000).

21 (b) No informant shall be eligible for a reward for a violation
22 known to the department, unless the information materially
23 contributes to the imposition of criminal or civil penalties for a
24 violation specified in this section.

25 (c) If there is more than one informant for a single violation,
26 the first notification received by the department shall be eligible
27 for the reward. If the notifications are postmarked on the same day
28 or telephoned notifications are received on the same day, the reward
29 shall be divided equally among those informants.

30 (d) Public officers and employees of the United States, the State
31 of California, or counties and cities in California are not eligible
32 for the reward pursuant to subdivision (a), unless reporting those
33 violations does not relate in any manner to their responsibilities
34 as public officers or employees.

35 (e) An informant who is an employee of a business and who
36 provides information that the business violated this chapter is not
37 eligible for a reward if the employee intentionally or negligently
38 caused the violation or if the employee's primary and regular
39 responsibilities included investigating the violation, unless the
40 business knowingly caused the violation.

1 (f) The department shall adopt regulations ~~which~~ *that* establish
2 procedures for the receipt and review of claims for payment of
3 rewards. All decisions concerning the eligibility for an award and
4 the materiality of the provided information shall be made pursuant
5 to these regulations. In each case brought under subdivision (a),
6 the department, the office of the city attorney, *the county counsel*
7 or the district attorney, whichever office brings the action, shall
8 determine whether the information materially contributed to the
9 imposition of civil or criminal penalties for violations of this
10 chapter.

11 (g) The department shall continuously publicize the availability
12 of the rewards pursuant to this section for persons who provide
13 information pursuant to this section.

14 (h) Claims may be submitted only for those referrals made on
15 or after January 1, 1982.

16 SEC. 5. Section 25192 of the Health and Safety Code is
17 amended to read:

18 25192. (a) All civil and criminal penalties collected pursuant
19 to this chapter shall be apportioned in the following manner:

20 (1) Fifty percent shall be deposited in the Toxic Substances
21 Control Account in the General Fund.

22 (2) Twenty-five percent shall be paid to the office of the city
23 attorney, city prosecutor, *county counsel*, district attorney, or *the*
24 Attorney General, whichever office brought the action.

25 (3) Twenty-five percent shall be paid to the department and
26 used to fund the activity of the CUPA, the local health officer, or
27 other local public officer or agency authorized to enforce the
28 provisions of this chapter pursuant to Section 25180, whichever
29 entity investigated the matter that led to the bringing of the action.
30 If investigation by the local police department or sheriff's office
31 or *the Department of the California Highway Patrol* led to the
32 bringing of the action, the CUPA, the local health officer, or the
33 authorized officer or agency, shall pay a total of 40 percent of its
34 portion under this subdivision to that investigating agency or
35 agencies to be used for the same purpose. If more than one agency
36 is eligible for payment under this paragraph, division of payment
37 among the eligible agencies shall be in the discretion of the CUPA,
38 the local health officer, or the authorized officer or agency.

39 (b) If a reward is paid to a person pursuant to Section 25191.7,
40 the amount of the reward shall be deducted from the amount of

1 the civil penalty before the amount is apportioned pursuant to
2 subdivision (a).

3 SEC. 6. Section 25270.12 of the Health and Safety Code is
4 amended to read:

5 25270.12. (a) ~~Any~~*An* owner or operator of a tank facility who
6 fails to prepare a spill prevention control and countermeasure plan
7 in compliance with subdivision (a) of Section 25270.4.5, to file a
8 tank facility statement pursuant to subdivision (a) of Section
9 25270.6, to submit the fee required by subdivision (b) of Section
10 25270.6, or to report spills as required by Section 25270.8, or who
11 otherwise fails to comply with the requirements of this chapter, is
12 subject to a civil penalty of not more than five thousand dollars
13 (\$5,000) for each day on which the violation continues. If the
14 owner or operator commits a second or subsequent violation, a
15 civil penalty of not more than ten thousand dollars (\$10,000) for
16 each day on which the violation continues may be imposed.

17 (b) (1) The civil penalties provided by this section may be
18 assessed and recovered in a civil action brought by the city ~~attorney~~
19 *attorney, county counsel, or district attorney* on behalf of the UPA.

20 (2) Fifty percent of all penalties assessed and recovered in a
21 civil action brought on behalf of a UPA pursuant to this subdivision
22 shall be deposited into a unified program account established by
23 the UPA for the purpose of carrying out the functions of the unified
24 program and 50 percent shall be paid to the office of the city
25 ~~attorney~~ *attorney, county counsel, or district attorney*, whoever
26 brought that action.

27 (c) (1) The civil penalties provided in this section may be
28 assessed and recovered in a civil action brought by the Attorney
29 General on behalf of the office, the board, or a regional board, or
30 on behalf of the people of the State of California.

31 (2) All penalties assessed and recovered in a civil action brought
32 pursuant to this subdivision shall be deposited in the Waste
33 Discharge Permit Fund created pursuant to Section 13260 of the
34 Water Code. These moneys shall be separately accounted for, and
35 shall be expended by the board, upon appropriation by the
36 Legislature, to assist regional boards and other public agencies
37 with authority to clean up waste or abate the effects of the waste,
38 in cleaning up or abating the effects of the waste on waters of the
39 state, or for the same purposes for which the State Water Pollution

1 Cleanup and Abatement Account may be expended pursuant to
2 Section 13443 of the Water Code.

3 (d) The city attorney, *county counsel*, district attorney, or the
4 Attorney General may seek to enjoin, in any court of competent
5 jurisdiction, any person believed to be in violation of this chapter.

6 (e) The penalties specified in this section are in addition to any
7 other penalties provided by law.

8 SEC. 7. Section 25299 of the Health and Safety Code is
9 amended to read:

10 25299. (a) An operator of an underground tank system is liable
11 for a civil penalty of not less than five hundred dollars (\$500) or
12 more than five thousand dollars (\$5,000) for each underground
13 storage tank, for each day of violation, for any of the following
14 violations:

15 (1) Operating an underground tank system that has not been
16 issued a permit, in violation of this chapter.

17 (2) Violation of an applicable requirement of the permit issued
18 for the operation of the underground tank system.

19 (3) Failure to maintain records, as required by this chapter.

20 (4) Failure to report an unauthorized release, as required by
21 Sections 25294 and 25295.

22 (5) Failure to properly close an underground tank system, as
23 required by Section 25298.

24 (6) Violation of an applicable requirement of this chapter or a
25 regulation adopted by the board pursuant to Section 25299.3.

26 (7) Failure to permit inspection or to perform a monitoring,
27 testing, or reporting required pursuant to Section 25288 or 25289.

28 (8) Making a false statement, representation, or certification in
29 an application, record, report, or other document submitted or
30 required to be maintained pursuant to this chapter.

31 (9) Tampering with or otherwise disabling automatic leak
32 detection devices or alarms.

33 (b) An owner of an underground tank system is liable for a civil
34 penalty of not less than five hundred dollars (\$500) or more than
35 five thousand dollars (\$5,000) per day for each underground storage
36 tank, for each day of violation, for any of the following violations:

37 (1) Failure to obtain a permit as specified by this chapter.

38 (2) Failure to repair or upgrade an underground tank system in
39 accordance with this chapter.

1 (3) Abandonment or improper closure of an underground tank
2 system subject to this chapter.

3 (4) Violation of an applicable requirement of the permit issued
4 for operation of the underground tank system.

5 (5) Violation of an applicable requirement of this chapter or a
6 regulation adopted by the board pursuant to Section 25299.3.

7 (6) Failure to permit inspection or to perform a monitoring,
8 testing, or reporting required pursuant to Section 25288 or 25289.

9 (7) Making a false statement, representation, or certification in
10 an application, record, report, or other document submitted or
11 required to be maintained pursuant to this chapter.

12 (c) A person who intentionally fails to notify the board, the
13 regional board, or the local agency when required to do so by this
14 chapter or who submits false information in a permit application,
15 amendment, or renewal, pursuant to Section 25286, is liable for a
16 civil penalty of not more than five thousand dollars (\$5,000) for
17 each underground storage tank for which notification is not given
18 or false information is submitted.

19 (d) (1) A person who violates a corrective action requirement
20 established by, or issued pursuant to, Section 25296.10 is liable
21 for a civil penalty of not more than ten thousand dollars (\$10,000)
22 for each underground storage tank for each day of violation.

23 (2) A civil penalty under this subdivision may be imposed in a
24 civil action under this chapter, or may be administratively imposed
25 by the board or a regional board pursuant to Article 2.5
26 (commencing with Section 13323) of Chapter 5 of Division 7 of
27 the Water Code.

28 (e) A person who violates Section 25292.3 is liable for a civil
29 penalty of not more than five thousand dollars (\$5,000) for each
30 underground storage tank for each day of violation.

31 (f) (1) A person who falsifies any monitoring records required
32 by this chapter, or knowingly fails to report an unauthorized
33 release, shall, upon conviction, be punished by a fine of not less
34 than five thousand dollars (\$5,000) or more than ten thousand
35 dollars (\$10,000), by imprisonment in the county jail for not to
36 exceed one year, or by both that fine and imprisonment.

37 (2) A person who intentionally disables or tampers with an
38 automatic leak detection system in a manner that would prevent
39 the automatic leak detection system from detecting a leak or
40 alerting the owner or operator of the leak, shall, upon conviction,

1 be punished by a fine of not less than five thousand dollars (\$5,000)
2 or more than ten thousand dollars (\$10,000), by imprisonment in
3 the county jail for not more than one year, or by both the fine and
4 imprisonment.

5 (g) In determining both the civil and criminal penalties imposed
6 pursuant to this section, the board, a regional board, or the court,
7 as the case may be, shall consider all relevant circumstances,
8 including, but not limited to, the extent of harm or potential harm
9 caused by the violation, the nature of the violation and the period
10 of time over which it occurred, the frequency of past violations,
11 and the corrective action, if any, taken by the person who holds
12 the permit.

13 (h) (1) A civil penalty or criminal fine imposed pursuant to this
14 section for a separate violation shall be separate from, and in
15 addition to, any other civil penalty or criminal fine imposed
16 pursuant to this section or any other provision of law, except that
17 no civil penalty shall be recovered under subdivision (d) for
18 violations for which a civil penalty is recovered pursuant to Section
19 13268 or 13350 of the Water Code. The penalty or fine shall be
20 paid to the unified program agency, the participating agency, or
21 the state, whichever is represented by the office of the city attorney,
22 *county counsel*, district attorney, or *the* Attorney General bringing
23 the action.

24 (2) Any penalties or fines paid to a unified program agency or
25 a participating agency pursuant to paragraph (1) shall be deposited
26 into a special account and shall be expended only to fund the
27 activities of the unified program agency or participating agency
28 in enforcing the unified program, as specified in subdivision (c)
29 of Section 25404, within the jurisdiction of that agency pursuant
30 to the unified program specified in Chapter 6.11 (commencing
31 with Section 25404).

32 (3) All penalties or fines collected by the board or a regional
33 board pursuant to this section or Section 25299.05 or collected on
34 behalf of the board or a regional board by the Attorney General
35 for these purposes shall be deposited in the State Water Pollution
36 Cleanup and Abatement Account in the State Water Quality
37 Control Fund, and are available for expenditure by the board, upon
38 appropriation, pursuant to Section 13441 of the Water Code.

39 (i) Paragraph (9) of subdivision (a) does not prohibit the owner
40 or operator of an underground storage tank, ~~or his or her~~ *the*

1 owner's or operator's designee, from maintaining, repairing, or
2 replacing automatic leak detection devices or alarms associated
3 with that tank.

4 SEC. 8. Section 25299.01 of the Health and Safety Code is
5 amended to read:

6 25299.01. ~~When any~~ *If a* person has engaged in, is engaged
7 in, or is about to engage in any acts or practices ~~which~~ *that* violate
8 this chapter, or Chapter 6.75 (commencing with Section 25299.10)
9 or any rule, regulation, permit, standard, requirement, or order
10 issued, adopted, or executed pursuant to this chapter or Chapter
11 6.75 (commencing with Section 25299.10), the city attorney of
12 the city in which the acts or practices occur, occurred, or will occur,
13 *the county counsel* or the district attorney of the county in which
14 the acts or practices occur, occurred, or will occur, or the Attorney
15 General may apply to the superior court for any order enjoining
16 these acts or practices, or for an order directing compliance. The
17 court may grant a permanent or temporary injunction, restraining
18 order, or other order.

19 SEC. 9. Section 25299.02 of the Health and Safety Code is
20 amended to read:

21 25299.02. Every civil action brought under this chapter shall
22 be brought by the city attorney, *the county counsel*, the district
23 attorney, or the Attorney General in the name of the people of the
24 State of California, and any actions relating to the same violations
25 may be joined or consolidated.

26 SEC. 10. Section 25515.5 of the Health and Safety Code is
27 amended to read:

28 25515.5. (a) All criminal penalties collected pursuant to this
29 article shall be apportioned in the following manner:

30 (1) Fifty percent shall be paid to the office of the city attorney,
31 district attorney, or *the* Attorney General, whichever office brought
32 the action.

33 (2) Fifty percent shall be paid to the agency ~~which~~ *that* is
34 responsible for the investigation of the action.

35 (b) All civil penalties collected pursuant to this chapter shall be
36 apportioned in the following manner:

37 (1) Fifty percent shall be paid to the office of the city attorney,
38 *county counsel*, district attorney, or *the* Attorney General,
39 whichever office brought the action.

1 (2) Fifty percent shall be paid to the agency responsible for the
2 investigation of the action.

3 (c) If a reward is paid to a person pursuant to Section 25516,
4 the amount of the reward shall be deducted from the amount of
5 the criminal or civil penalty before the amount is apportioned
6 pursuant to subdivisions (a) and (b).

7 SEC. 11. Section 25515.6 of the Health and Safety Code is
8 amended to read:

9 25515.6. (a) If the unified program agency determines that a
10 business has engaged in, is engaged in, or is about to engage in
11 acts or practices that constitute or will constitute a violation of this
12 article or a regulation or order adopted or issued pursuant to this
13 article, and when requested by the unified program agency, the
14 city attorney of the city or *the county counsel* or the district attorney
15 of the county in which those acts or practices have occurred, are
16 occurring, or will occur shall apply to the superior court for an
17 order enjoining the acts or practices for an order directing
18 compliance, and, upon a showing that the person or business has
19 engaged in, is engaged in, or is about to engage in the acts or
20 practices, a permanent or temporary injunction, restraining order,
21 or other appropriate order may be granted.

22 (b) This section does not prohibit a ~~city attorney~~ *attorney, county*
23 *counsel*, or district attorney from seeking the same relief upon the
24 ~~city attorney's attorney's, county counsel's,~~ or district attorney's
25 own motion.

26 SEC. 12. Section 25515.7 of the Health and Safety Code is
27 amended to read:

28 25515.7. Every civil action brought under this article or Article
29 2 (commencing with Section 25531) shall be brought by the city
30 attorney, *county counsel*, district attorney, or *the Attorney General*
31 in the name of the people of the State of California, and any actions
32 relating to the same violation may be joined or consolidated.

33 SEC. 13. Section 25516 of the Health and Safety Code is
34 amended to read:

35 25516. (a) A person who provides information that materially
36 contributes to the imposition of a civil penalty, whether by
37 settlement or court order, under Section 25515 or 25515.2, as
38 determined by the city attorney, *county counsel*, district attorney,
39 or the Attorney General filing the action, shall be paid a reward
40 by the unified program agency or the state equal to 10 percent of

1 the amount of the civil penalty collected. The reward shall be paid
2 from the amount of the civil penalty collected. No reward paid
3 pursuant to this subdivision shall exceed five thousand dollars
4 (\$5,000).

5 (b) A person who provides information that materially
6 contributes to the conviction of a person or business under Section
7 25515.1 or 25515.3, as determined by the city attorney, *county*
8 *counsel*, district attorney, or the Attorney General filing the action,
9 shall be paid a reward by the unified program agency or the state
10 equal to 10 percent of the amount of the fine collected. The reward
11 shall be paid from the amount of the fine collected. No reward
12 paid pursuant to this subdivision shall exceed five thousand dollars
13 (\$5,000).

14 (c) An informant shall not be eligible for a reward for a violation
15 known to the unified program agency, unless the information
16 materially contributes to the imposition of criminal or civil
17 penalties for a violation specified in this section.

18 (d) If there is more than one informant for a single violation,
19 the person making the first notification received by the city
20 attorney, district attorney, or the Attorney General that brought
21 the action shall be eligible for the reward, except that, if the
22 notifications are postmarked on the same day or telephoned
23 notifications are received on the same day, the reward shall be
24 divided equally among those informants.

25 (e) Public officers and employees of the United States, the State
26 of California, or counties and cities in this state are not eligible for
27 the reward pursuant to subdivision (a) or (b), unless the providing
28 of the information does not relate in any manner to their
29 responsibilities as public officers or employees.

30 (f) An informant who is an employee of a business and who
31 provides information that the business has violated this chapter is
32 not eligible for a reward if the employee intentionally or negligently
33 caused the violation or if the employee's primary and regular
34 responsibilities included investigating the violation, unless the
35 business knowingly caused the violation.

36 (g) The unified program agency or the state shall pay rewards
37 under this section pursuant to the following procedures:

38 (1) An application shall be signed by the informant and
39 presented to the unified program agency or the state within 60 days

1 after a final judgment has been entered or the period for an appeal
2 of a judgment has expired.

3 (2) The determination by the district attorney, city attorney,
4 *county counsel*, or *the* Attorney General as to whether the
5 information provided by the applicant materially contributed to
6 the imposition of a judgment under Section 25515.1 or 25515.3
7 shall be final.

8 (3) The unified program agency or the state shall notify the
9 applicant in writing of its decision to grant or deny a reward within
10 a reasonable time period following the filing of an application.

11 (4) Approved reward claims shall be paid by the unified program
12 agency or the state within 30 days of the collection and deposit of
13 the penalties specified in subdivisions (a) and (b).

14 (h) The names of reward applicants or informants shall not be
15 disclosed by the unified program agency or the state unless the
16 names are otherwise publicly disclosed as part of a judicial
17 proceeding.

18 (i) Notwithstanding any other provision of this section, rewards
19 paid by the state shall only be paid after appropriation by the
20 Legislature.

21 SEC. 14. Section 79705 of the Health and Safety Code is
22 amended to read:

23 79705. (a) In the event a ~~district-attorney~~ *attorney, county*
24 *counsel*, or a city attorney has brought an action for civil or
25 criminal penalties pursuant to Chapter 6.5 (commencing with
26 Section 25100) of Division 20 against ~~any~~ *a* person for the violation
27 of any provision of that chapter, or any rule, regulation, permit,
28 covenant, standard, requirement, or order issued, adopted, or
29 executed thereunder, and the department has expended moneys
30 from the state account pursuant to Section 78875 for immediate
31 corrective action in response to a release, or threatened release, of
32 a hazardous substance that has resulted, in whole or in part, from
33 the person's acts or omissions, the state account may be made a
34 party to that action for the purpose of recovering the costs against
35 that person.

36 (b) (1) If the state account is made a party to the action, the
37 Attorney General shall represent the state account for the purpose
38 of recovering the moneys expended from the account.

39 (2) Notwithstanding any other provision of law, and under terms
40 that the Attorney General and the department deem appropriate,

1 the Attorney General may delegate the authority to recover the
2 costs to the district ~~attorney~~ *attorney, county counsel*, or city
3 attorney who has brought the action pursuant to Chapter 6.5
4 (commencing with Section 25100) of Division 20.

5 (c) The failure to seek the recovery of moneys expended from
6 the state account as part of the action brought pursuant to Chapter
7 6.5 (commencing with Section 25100) of Division 20 does not
8 foreclose the Attorney General from recovering the moneys in a
9 separate action.

10 SEC. 15. Section 118325 of the Health and Safety Code is
11 amended to read:

12 118325. (a) An enforcement agency, district attorney, *county*
13 *counsel*, city attorney, or city prosecutor may bring an action to
14 enjoin the violation, or threatened violation, of this part or the
15 regulations adopted pursuant to this part, in the superior court in
16 the county where the violation occurred or is about to occur. Any
17 proceeding under this section shall be in accordance with Chapter
18 3 (commencing with Section 525) of Title 7 of Part 2 of the Code
19 of Civil Procedure, except that the enforcement agency, district
20 attorney, *county counsel*, city attorney, or city prosecutor is not
21 required to allege facts necessary to show or tending to show the
22 lack of an adequate remedy at law or irreparable damage or loss.

23 ~~With~~

24 (b) *With* respect to any action brought pursuant to this section
25 alleging actual violation of this part or the regulations adopted
26 pursuant to this part, the court shall, if it finds the allegations to
27 be true, issue its order enjoining the continuance of the violation.

AMENDED IN SENATE FEBRUARY 28, 2023

SENATE BILL

No. 43

Introduced by Senator Eggman

(Principal coauthors: Senators Niello and Wiener)

(Principal coauthor: Assembly Member Santiago)

(Coauthors: Senators Dodd, Menjivar, Roth, Rubio, and Stern)

*(Coauthors: Assembly Members Chen, Friedman, Gallagher,
Quirk-Silva, and Wicks)*

December 5, 2022

~~An act relating to behavioral health.~~ *An act to amend Section 1799.111 of the Health and Safety Code, and to amend Section 5008 of, and to add Section 5122 to, the Welfare and Institutions Code, relating to mental health.*

LEGISLATIVE COUNSEL'S DIGEST

SB 43, as amended, Eggman. Behavioral health.

Existing law, the Lanterman-Petris-Short Act, provides for the involuntary commitment and treatment of a person who is a danger to themselves or others or who is gravely disabled. Existing law, for purposes of involuntary commitment, defines "gravely disabled" as either a condition in which a person, as a result of a mental health disorder, is unable to provide for their basic personal needs for food, clothing, or shelter or has been found mentally incompetent, as specified.

This bill expands the definition of "gravely disabled" to also include a condition that will result in substantial risk of serious harm to the physical or mental health of a person due to a mental health disorder or a substance use disorder. The bill defines "serious harm" for purposes of these provisions to mean significant deterioration, debilitation, or illness due to a person's inability to carry out specified

tasks, including, among other things, attend to needed personal or medical care and attend to self-protection or personal safety. The bill specifies circumstances under which substantial risk of serious harm may be evidenced, as specified. The bill would make conforming changes. To the extent that this change increases the level of service required of county mental health departments, the bill would impose a state-mandated local program.

Existing law also authorizes the appointment of a conservator, in the County of Los Angeles, the County of San Diego, or the City and County of San Francisco, for a person who is incapable of caring for the person's own health and well-being due to a serious mental illness and substance use disorder. Existing law establishes the hearsay rule, under which evidence of a statement is generally inadmissible if it was made other than by a witness while testifying at a hearing and is offered to prove the truth of the matter stated. Existing law sets forth exceptions to the hearsay rule to permit the admission of specified kinds of evidence.

Under this bill, for purposes of an expert witness in any proceeding relating to the appointment or reappointment of a conservator pursuant to the above-described provisions, the statements of specified health practitioners or a licensed clinical social worker included in the medical record would not be hearsay. The bill would authorize the court to grant a reasonable continuance if an expert witness in a proceeding relied on the medical record and the medical record has not been provided to the parties or their counsel.

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.

Existing law provides for the California Health and Human Services Agency, which includes the State Department of Health Care Services, the State Department of Developmental Services, and the Department of Managed Health Care. Under existing law, various state and local agencies are responsible for providing or arranging for the provision of behavioral health services to adults and children in the state.

This bill would state the intent of the Legislature to enact legislation to modernize and improve California’s behavioral health system.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Section 1799.111 of the Health and Safety Code
2 is amended to read:

3 1799.111. (a) Subject to subdivision (b), a licensed general
4 acute care hospital, as defined in subdivision (a) of Section 1250,
5 that is not a county-designated facility pursuant to Section 5150
6 of the Welfare and Institutions Code, a licensed acute psychiatric
7 hospital, as defined in subdivision (b) of Section 1250, that is not
8 a county-designated facility pursuant to Section 5150 of the
9 Welfare and Institutions Code, licensed professional staff of those
10 hospitals, or any physician and surgeon, providing emergency
11 medical services in any department of those hospitals to a person
12 at the hospital is not civilly or criminally liable for detaining a
13 person if all of the following conditions exist during the detention:

14 (1) The person cannot be safely released from the hospital
15 because, in the opinion of the treating physician and surgeon, or
16 a clinical psychologist with the medical staff privileges, clinical
17 privileges, or professional responsibilities provided in Section
18 1316.5, the person, as a result of a mental health disorder, presents
19 a danger to themselves, or others, or is gravely disabled. For
20 purposes of this paragraph, “gravely disabled” ~~means an inability~~
21 ~~to provide for the person’s basic personal needs for food, clothing,~~
22 ~~or shelter.~~ *has the same definition as in paragraph (1) of*
23 *subdivision (h) of Section 5008 of the Welfare and Institutions*
24 *Code.*

25 (2) The hospital staff, treating physician and surgeon, or
26 appropriate licensed mental health professional, have made, and
27 documented, repeated unsuccessful efforts to find appropriate
28 mental health treatment for the person.

29 (A) Telephone calls or other contacts required pursuant to this
30 paragraph shall commence at the earliest possible time when the
31 treating physician and surgeon has determined the time at which
32 the person will be medically stable for transfer.

1 (B) ~~In no case shall the~~ *The* contacts required pursuant to this
2 paragraph *shall not* begin after the time when the person becomes
3 medically stable for transfer.

4 (3) The person is not detained beyond 24 hours.

5 (4) There is probable cause for the detention.

6 (b) If the person is detained pursuant to subdivision (a) beyond
7 eight hours, but less than 24 hours, both of the following additional
8 conditions shall be met:

9 (1) A discharge or transfer for appropriate evaluation or
10 treatment for the person has been delayed because of the need for
11 continuous and ongoing care, observation, or treatment that the
12 hospital is providing.

13 (2) In the opinion of the treating physician and surgeon, or a
14 clinical psychologist with the medical staff privileges or
15 professional responsibilities provided for in Section 1316.5, the
16 person, as a result of a mental health disorder, is still a danger to
17 themselves, or others, or is gravely disabled, as defined in
18 paragraph (1) of subdivision (a).

19 (c) In addition to the immunities set forth in subdivision (a), a
20 licensed general acute care hospital, as defined in subdivision (a)
21 of Section 1250, that is not a county-designated facility pursuant
22 to Section 5150 of the Welfare and Institutions Code, a licensed
23 acute psychiatric hospital, as defined by subdivision (b) of Section
24 1250, that is not a county-designated facility pursuant to Section
25 5150 of the Welfare and Institutions Code, licensed professional
26 staff of those hospitals, or a physician and surgeon, providing
27 emergency medical services in any department of those hospitals
28 to a person at the hospital shall not be civilly or criminally liable
29 for the actions of a person detained up to 24 hours in those hospitals
30 who is subject to detention pursuant to subdivision (a) after that
31 person's release from the detention at the hospital, if all of the
32 following conditions exist during the detention:

33 (1) The person has not been admitted to a licensed general acute
34 care hospital or a licensed acute psychiatric hospital for evaluation
35 and treatment pursuant to Section 5150 of the Welfare and
36 Institutions Code.

37 (2) The release from the licensed general acute care hospital or
38 the licensed acute psychiatric hospital is authorized by a physician
39 and surgeon or a clinical psychologist with the medical staff
40 privileges or professional responsibilities provided for in Section

1 1316.5, who determines, based on a face-to-face examination of
2 the person detained, that the person does not present a danger to
3 themselves or others and is not gravely disabled, as defined in
4 paragraph (1) of subdivision (a). In order for this paragraph to
5 apply to a clinical psychologist, the clinical psychologist shall have
6 a collaborative treatment relationship with the physician and
7 surgeon. The clinical psychologist may authorize the release of
8 the person from the detention, but only after the clinical
9 psychologist has consulted with the physician and surgeon. In the
10 event of a clinical or professional disagreement regarding the
11 release of a person subject to the detention, the detention shall be
12 maintained unless the hospital's medical director overrules the
13 decision of the physician and surgeon opposing the release. Both
14 the physician and surgeon and the clinical psychologist shall enter
15 their findings, concerns, or objections in the person's medical
16 record.

17 (d) Notwithstanding any other law, an examination, assessment,
18 or evaluation that provides the basis for a determination or opinion
19 of a physician and surgeon or a clinical psychologist with the
20 medical staff privileges or professional responsibilities provided
21 for in Section 1316.5 that is specified in this section may be
22 conducted using telehealth.

23 (e) This section does not affect the responsibility of a general
24 acute care hospital or an acute psychiatric hospital to comply with
25 all state laws and regulations pertaining to the use of seclusion and
26 restraint and psychiatric medications for psychiatric patients.
27 Persons detained under this section shall retain their legal rights
28 regarding consent for medical treatment.

29 (f) A person detained under this section shall be credited for the
30 time detained, up to 24 hours, if the person is placed on a
31 subsequent 72-hour hold pursuant to Section 5150 of the Welfare
32 and Institutions Code.

33 (g) The amendments to this section made by Chapter 308 of the
34 Statutes of 2007 do not limit any existing duties for
35 psychotherapists contained in Section 43.92 of the Civil Code.

36 (h) This section does not expand the scope of licensure of
37 clinical psychologists.

38 *SEC. 2. Section 5008 of the Welfare and Institutions Code is*
39 *amended to read:*

1 5008. Unless the context otherwise requires, the following
2 definitions shall govern the construction of this part:

3 (a) “Evaluation” consists of multidisciplinary professional
4 analyses of a person’s medical, psychological, educational, social,
5 financial, and legal conditions as may appear to constitute a
6 problem. Persons providing evaluation services shall be properly
7 qualified professionals and may be full-time employees of an
8 agency providing face-to-face, which includes telehealth,
9 evaluation services or may be part-time employees or may be
10 employed on a contractual basis.

11 (b) “Court-ordered evaluation” means an evaluation ordered by
12 a superior court pursuant to Article 2 (commencing with Section
13 5200) or by a superior court pursuant to Article 3 (commencing
14 with Section 5225) of Chapter 2.

15 (c) “Intensive treatment” consists of such hospital and other
16 services as may be indicated. Intensive treatment shall be provided
17 by properly qualified professionals and carried out in facilities
18 qualifying for reimbursement under the California Medical
19 Assistance Program (Medi-Cal) set forth in Chapter 7 (commencing
20 with Section 14000) of Part 3 of Division 9, or under Title XVIII
21 of the federal Social Security Act and regulations thereunder.
22 Intensive treatment may be provided in hospitals of the United
23 States government by properly qualified professionals. This part
24 does not prohibit an intensive treatment facility from also providing
25 72-hour evaluation and treatment.

26 (d) “Referral” is referral of persons by each agency or facility
27 providing assessment, evaluation, crisis intervention, or treatment
28 services to other agencies or individuals. The purpose of referral
29 shall be to provide for continuity of care, and may include, but
30 need not be limited to, informing the person of available services,
31 making appointments on the person’s behalf, discussing the
32 person’s problem with the agency or individual to which the person
33 has been referred, appraising the outcome of referrals, and
34 arranging for personal escort and transportation when necessary.
35 Referral shall be considered complete when the agency or
36 individual to whom the person has been referred accepts
37 responsibility for providing the necessary services. All persons
38 shall be advised of available precare services that prevent initial
39 recourse to hospital treatment or aftercare services that support
40 adjustment to community living following hospital treatment.

1 These services may be provided through county or city mental
2 health departments, state hospitals under the jurisdiction of the
3 State Department of State Hospitals, regional centers under contract
4 with the State Department of Developmental Services, or other
5 public or private entities.

6 Each agency or facility providing evaluation services shall
7 maintain a current and comprehensive file of all community
8 services, both public and private. These files shall contain current
9 agreements with agencies or individuals accepting referrals, as
10 well as appraisals of the results of past referrals.

11 (e) “Crisis intervention” consists of an interview or series of
12 interviews within a brief period of time, conducted by qualified
13 professionals, and designed to alleviate personal or family
14 situations ~~which~~ *that* present a serious and imminent threat to the
15 health or stability of the person or the family. The interview or
16 interviews may be conducted in the home of the person or family,
17 or on an inpatient or outpatient basis with such therapy, or other
18 services, as may be appropriate. The interview or interviews may
19 include family members, significant support persons, providers,
20 or other entities or individuals, as appropriate and as authorized
21 by law. Crisis intervention may, as appropriate, include suicide
22 prevention, psychiatric, welfare, psychological, legal, or other
23 social services.

24 (f) “Prepetition screening” is a screening of all petitions for
25 court-ordered evaluation as provided in Article 2 (commencing
26 with Section 5200) of Chapter 2, consisting of a professional
27 review of all petitions; an interview with the petitioner and,
28 whenever possible, the person alleged, as a result of a mental health
29 disorder, to be a danger to others, or to ~~himself or herself,~~ *themselves,*
30 or to be gravely disabled, to assess the problem and explain the
31 petition; when indicated, efforts to persuade the person to receive,
32 on a voluntary basis, comprehensive evaluation, crisis intervention,
33 referral, and other services specified in this part.

34 (g) “Conservatorship investigation” means investigation by an
35 agency appointed or designated by the governing body of cases in
36 which conservatorship is recommended pursuant to Chapter 3
37 (commencing with Section 5350).

38 (h) (1) For purposes of Article 1 (commencing with Section
39 5150), Article 2 (commencing with Section 5200), and Article 4
40 (commencing with Section 5250) of Chapter 2, and for the purposes

1 of Chapter 3 (commencing with Section 5350), “gravely disabled”
2 means ~~either~~ any of the following:

3 (A) A condition in which a person, as a result of a mental health
4 disorder, is unable to provide for ~~his or her~~ *their* basic personal
5 needs for food, clothing, or shelter.

6 (B) A condition in which a ~~person~~, *person* has been found
7 mentally incompetent under Section 1370 of the Penal Code and
8 all of the following facts exist:

9 (i) The complaint, indictment, or information pending against
10 the person at the time of commitment charges a felony involving
11 death, great bodily harm, or a serious threat to the physical
12 well-being of another person.

13 (ii) There has been a finding of probable cause on a complaint
14 pursuant to paragraph (2) of subdivision (a) of Section 1368.1 of
15 the Penal Code, a preliminary examination pursuant to Section
16 859b of the Penal Code, or a grand jury indictment, and the
17 complaint, indictment, or information has not been dismissed.

18 (iii) As a result of a mental health disorder, the person is unable
19 to understand the nature and purpose of the proceedings taken
20 against ~~him or her~~ *them* and to assist counsel in the conduct of ~~his~~
21 ~~or her~~ *their* defense in a rational manner.

22 (iv) The person represents a substantial danger of physical harm
23 to others by reason of a mental disease, defect, or disorder.

24 (C) (i) *A condition that will result in substantial risk of serious*
25 *harm to the physical or mental health of a person due to one or*
26 *more of the following:*

27 (I) *A mental health disorder.*

28 (II) *A substance use disorder, including alcohol use disorder.*

29 (ii) *“Serious harm” means significant deterioration, debilitation,*
30 *or illness due to the person’s inability to do one or more of the*
31 *following:*

32 (I) *Satisfy the need for nourishment.*

33 (II) *Attend to necessary personal or medical care.*

34 (III) *Seek adequate shelter.*

35 (IV) *Be appropriately or adequately clothed.*

36 (V) *Attend to self-protection or personal safety.*

37 (iii) *A substantial risk of serious harm to the physical or mental*
38 *health of the person may be evidenced by one or more of the*
39 *following:*

1 (I) The person is presently suffering adverse effects to their
2 physical or mental health.

3 (II) The person previously suffered adverse effects to their
4 physical or mental health in the historical course of their mental
5 health disorder or substance use disorder and their condition is
6 again deteriorating.

7 (iv) The existence of a mental health disorder or substance use
8 disorder diagnosis does not alone establish a substantial risk of
9 serious harm to the physical or mental health of a person.

10 (v) A person's inability to appreciate the nature of their disorder
11 and that their decisionmaking is impaired due to their lack of
12 insight into their mental or medical disorders shall be considered
13 by the court when evaluating a substantial risk of serious harm.

14 (2) For purposes of Article 3 (commencing with Section 5225)
15 and Article 4 (commencing with Section 5250), of Chapter 2, and
16 for the purposes of Chapter 3 (commencing with Section 5350),
17 "gravely disabled" means ~~a condition in which a person, as a result~~
18 ~~of impairment by chronic alcoholism, is unable to provide for his~~
19 ~~or her basic personal needs for food, clothing, or shelter.~~ *person*
20 *described in subparagraph (C) of paragraph (1).*

21 (3) The term "gravely disabled" does not include persons with
22 intellectual disabilities by reason of that disability alone.

23 (i) "Peace officer" means a duly sworn peace officer as that
24 term is defined in Chapter 4.5 (commencing with Section 830) of
25 Title 3 of Part 2 of the Penal Code who has completed the basic
26 training course established by the Commission on Peace Officer
27 Standards and Training, or any parole officer or probation officer
28 specified in Section 830.5 of the Penal Code when acting in relation
29 to cases for which ~~he or she~~ *the officer* has a legally mandated
30 responsibility.

31 (j) "Postcertification treatment" means an additional period of
32 treatment pursuant to Article 6 (commencing with Section 5300)
33 of Chapter 2.

34 (k) "Court," unless otherwise specified, means a court of record.

35 (l) "Antipsychotic medication" means any medication
36 customarily prescribed for the treatment of symptoms of psychoses
37 and other severe mental and emotional disorders.

38 (m) "Emergency" means a situation in which action to impose
39 treatment over the person's objection is immediately necessary
40 for the preservation of life or the prevention of serious bodily harm

1 to the patient or others, and it is impracticable to first gain consent.
 2 It is not necessary for harm to take place or become unavoidable
 3 prior to treatment.

4 (n) “Designated facility” or “facility designated by the county
 5 for evaluation and treatment” means a facility that is licensed or
 6 certified as a mental health treatment facility or a hospital, as
 7 defined in subdivision (a) or (b) of Section 1250 of the Health and
 8 Safety Code, by the State Department of Public Health, and may
 9 include, but is not limited to, a licensed psychiatric hospital, a
 10 licensed psychiatric health facility, and a certified crisis
 11 stabilization unit.

12 *SEC. 3. Section 5122 is added to the Welfare and Institutions*
 13 *Code, to read:*

14 *5122. (a) For purposes of an expert witness in a proceeding*
 15 *relating to the appointment or reappointment of a conservator*
 16 *pursuant to Chapter 3 (commencing with Section 5350) or Chapter*
 17 *5 (commencing with Section 5450), the statements of a health*
 18 *practitioner described in paragraphs (21) to (25), inclusive, of*
 19 *subdivision (a) of Section 11165.7 of the Penal Code, or a social*
 20 *worker licensed pursuant to Chapter 14 (commencing with Section*
 21 *4991) of Division 2 of the Business and Professions Code, included*
 22 *in the medical record are not hearsay.*

23 *(b) This section does not prevent a party from calling as a*
 24 *witness the author of any statement contained in the medical*
 25 *record, whether or not the author was relied on by the expert*
 26 *witness.*

27 *(c) The court may grant a reasonable continuance if an expert*
 28 *witness in a proceeding relied on the medical record and the*
 29 *medical record has not been provided to the parties or their*
 30 *counsel.*

31 *SEC. 4. If the Commission on State Mandates determines that*
 32 *this act contains costs mandated by the state, reimbursement to*
 33 *local agencies and school districts for those costs shall be made*
 34 *pursuant to Part 7 (commencing with Section 17500) of Division*
 35 *4 of Title 2 of the Government Code.*

36 ~~SECTION 1. It is the intent of the Legislature to enact~~
 37 ~~legislation to modernize and improve California’s behavioral health~~
 38 ~~system.~~

O

AMENDED IN ASSEMBLY MARCH 13, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 544

Introduced by Assembly Member Bryan

February 8, 2023

An act to ~~amend Section 10 of~~ *add Chapter 10 (commencing with Section 2750) to Division 2 of the Elections Code*, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 544, as amended, Bryan. ~~Elections: Secretary of State. Voting: county jails.~~

Under existing law, a person is authorized to vote if that person is a United States citizen, a resident of California, at least 18 years of age, and not imprisoned for the conviction of a felony. Existing law further specifies conditions under which a person may register to vote, vote in person, vote by mail, vote a provisional ballot, and receive a replacement ballot.

This bill would require a county jail facility, for elections held on or after November 1, 2024, to provide a polling location, as defined, that permits any eligible incarcerated person to perform specified activities, including registering to vote and voting, returning a vote by mail ballot, voting a provisional ballot, and receiving a replacement ballot. The bill would require the county elections official to work with the county sheriff or county jail facility administrator to design and implement a program that establishes a polling location at each facility and to post the plan for the program on the county elections official's internet website. The bill would require the county sheriff or county jail facility administrator to designate an employee as a voting coordinator at each facility who will be responsible for ensuring compliance with

requirements pertaining to polling locations, for maintaining voter education materials in the jail library, and for posting informational flyers regarding voting rights and eligibility to vote, among other duties.

By imposing new duties on local officials, the 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.

~~Under existing law, the Secretary of State is the chief elections officer of the state and has specified powers and duties related to the conduct of elections. Existing law requires the Secretary of State to make reasonable efforts to promote voter registration, as further specified, and specifically requires the Secretary of State to promote civic learning and engagement to prepare students and new citizens to register to vote and to vote.~~

~~This bill would refine that specific provision, instead requiring the Secretary of State to make reasonable efforts to promote civic learning and engagement to prepare newly eligible voters, including students and new citizens, to register to vote and to vote.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

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

- 1 SECTION 1. *The Legislature finds and declares as follows:*
- 2 (a) *The right to vote is fundamental and is guaranteed to all*
- 3 *eligible citizens in the California Constitution. All citizens are*
- 4 *granted the power to contribute to their local, state, and national*
- 5 *government by voting in elections to convey opposition to or*
- 6 *support for policies or public officials. The right to vote and*
- 7 *participate in the democratic process is, like paying taxes, as much*
- 8 *a civic responsibility as it is a civil right. Thus, governing bodies*
- 9 *possess a moral, ethical, and fiduciary duty to fiercely protect the*
- 10 *right to vote for all citizens.*

1 (b) Among those persons who are entitled to exercise the right
2 to register to vote and to vote in our state are persons with prior
3 criminal convictions and persons who are currently incarcerated
4 in California’s local detention facilities, with certain exceptions.
5 Regardless, statistics collected during each election cycle indicate
6 that incarcerated persons, a group that is overwhelmingly
7 comprised of people from low-income communities of color,
8 experience significant challenges to voting due to structural
9 barriers created within the criminal justice system. Fostering the
10 right to vote and making voting materials and information
11 accessible for eligible incarcerated persons is essential.

12 (c) Models of voter engagement in California and other states
13 have increased voter participation among persons held in local
14 jails, have provided safe, secure elections, and have supported
15 rehabilitation by reinforcing values of civic engagement and
16 participation in democratic governance.

17 SEC. 2. Chapter 10 (commencing with Section 2750) is added
18 to Division 2 of the Elections Code, to read:

19
20
21

CHAPTER 10. VOTING IN COUNTY JAILS

22 2750. (a) For an election held on or after November 1, 2024,
23 a county jail facility shall provide a polling location. For purposes
24 of this section, “polling location” means a polling place, vote
25 center, or other means at the county jail facility that permits an
26 eligible incarcerated person to perform the activities specified in
27 subdivision (b).

28 (b) The county elections official shall coordinate with the county
29 sheriff or county jail facility administrator to establish a polling
30 location at each county jail facility that permits an eligible
31 incarcerated person to do any of the following at the polling
32 location:

- 33 (1) Return, or vote and return, the voter’s vote by mail ballot.
- 34 (2) Register to vote, update the voter’s voter registration, and
35 vote pursuant to Section 2170.
- 36 (3) Receive and vote a provisional ballot pursuant to Article 5
37 (commencing with Section 14310) of Chapter 3 of Division 14.
- 38 (4) Receive a replacement ballot upon verification that the
39 county elections official has not received a ballot for the same
40 election from the voter. If the county elections official is unable to

1 *determine if they have received a ballot for the same election from*
2 *the voter, the county elections official may issue a provisional*
3 *ballot.*

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

7 *(c) The county elections official shall coordinate with the county*
8 *sheriff or county jail facility administrator to design and implement*
9 *a program to establish a polling location at each county jail facility*
10 *at which an eligible incarcerated person may perform the activities*
11 *specified in subdivision (b). A plan describing the program shall*
12 *be posted on the county elections official's internet website. After*
13 *consulting with county elections officials and county sheriffs, the*
14 *Secretary of State shall adopt regulations prescribing best practices*
15 *and minimum requirements for these programs.*

16 *(d) (1) The county sheriff or county jail facility administrator*
17 *shall designate an employee as a voting coordinator at each county*
18 *jail facility who shall be responsible for the facility's compliance*
19 *with the requirements of this chapter. The responsibilities of the*
20 *voting coordinator shall also include, but are not limited to, all of*
21 *the following:*

22 *(A) Ensuring voter registration forms are continuously available*
23 *to incarcerated persons and providing them with information*
24 *regarding how to complete the forms and relevant deadlines for*
25 *completing them.*

26 *(B) Ensuring the county jail facility maintains in its library*
27 *updated nonpartisan voter education materials and information*
28 *regarding the voting rights and eligibility of an incarcerated or*
29 *formerly incarcerated person, including information and materials*
30 *published by the Secretary of State and the county elections official.*

31 *(C) At least 60 days prior to an election and continuing through*
32 *election day, posting in a conspicuous location in housing and*
33 *common areas to which incarcerated persons have access,*
34 *informational flyers regarding the voting rights and eligibility of*
35 *an incarcerated person or a person with a criminal history,*
36 *including informational flyers published by the Secretary of State*
37 *and the county elections official. The informational flyers shall be*
38 *translated in all languages required of the jurisdiction pursuant*
39 *to subdivision (a) of Section 14201 and Section 203 of the federal*
40 *Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).*

1 (2) *The voting coordinator shall make reasonable efforts to*
2 *coordinate with the county elections official to implement this*
3 *subdivision.*

4 (e) *At least 60 days prior to an election, the county sheriff or*
5 *county jail facility administrator may, in coordination with other*
6 *government groups or non-profit organizations, hold an*
7 *informational session in a county jail facility that includes*
8 *conducting in-person nonpartisan voter education efforts and*
9 *providing nonpartisan voter education information and materials*
10 *regarding voter eligibility requirements, deadlines, and steps to*
11 *register to vote and vote.*

12 (f) *The county sheriff or county jail facility administrator shall,*
13 *at a minimum, develop policies and procedures that do both of the*
14 *following with respect to incarcerated persons:*

15 (1) *Ensure all registration forms and completed vote by mail*
16 *ballots are timely submitted to the appropriate elections official.*

17 (2) *Ensure the secrecy of the ballot is protected pursuant to*
18 *Section 7 of Article II of the California Constitution.*

19 (g) *The county sheriff shall provide voter eligibility information*
20 *for incarcerated or formerly incarcerated persons, as applicable,*
21 *upon intake to, and discharge from, the county jail.*

22 SEC. 3. *If the Commission on State Mandates determines that*
23 *this act contains costs mandated by the state, reimbursement to*
24 *local agencies and school districts for those costs shall be made*
25 *pursuant to Part 7 (commencing with Section 17500) of Division*
26 *4 of Title 2 of the Government Code.*

27 SECTION 1. ~~Section 10 of the Elections Code is amended to~~
28 ~~read:~~

29 10. ~~(a) The Secretary of State is the chief elections officer of~~
30 ~~the state, and has the powers and duties specified in this code and~~
31 ~~Section 12172.5 of the Government Code.~~

32 ~~(b) (1) The Secretary of State shall make reasonable efforts to~~
33 ~~do all of the following:~~

34 ~~(A) Promote voter registration to eligible voters.~~

35 ~~(B) Encourage eligible voters to vote.~~

36 ~~(C) Promote preregistration to eligible citizens.~~

37 ~~(D) Promote civic learning and engagement to prepare newly~~
38 ~~eligible voters, including students and new citizens, to register to~~
39 ~~vote and to vote.~~

1 ~~(2) In undertaking these efforts, the Secretary of State shall~~
2 ~~prioritize communities that have been historically underrepresented~~
3 ~~in voter registration or voting.~~

4 ~~(e) Beginning in the year before the federal decennial census~~
5 ~~and continuing through the completion of the enumeration activities~~
6 ~~for that census, the Secretary of State shall incorporate messages~~
7 ~~into public election materials produced by the Secretary of State~~
8 ~~that promote awareness of, and encourage participation in, the~~
9 ~~census. In undertaking this effort, the Secretary of State shall~~
10 ~~prioritize messages that are designed to overcome significant~~
11 ~~challenges to a complete and accurate enumeration of the state,~~
12 ~~including messages targeted at overcoming barriers to participation~~
13 ~~by historically hard-to-count communities based on response rate~~
14 ~~data from the United States Census Bureau.~~

AMENDED IN ASSEMBLY MARCH 21, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 884

Introduced by Assembly Members Low and Cervantes

February 14, 2023

An act to amend Sections 2103, 2158, 2265, 2277, 2300, 2406, 2408, 3019, 4005, 9054, 12303, 13107, 13209, 13211.7, 13218, 13261, 13307, 13400, 14105.3, 14111, 14200, 14219, and 19101 of, to amend and repeal Section 14201 of, and to add Section 2601 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 884, as amended, Low. Elections: language accessibility.

Existing state and federal law, including the federal Voting Rights Act of 1965, require the Secretary of State and county elections officials to provide language assistance to voters in order to access voting information, register to vote, and cast their votes at the polling place. Existing law requires a county elections official to provide a facsimile copy of the ballot with the ballot measures and ballot instructions printed in Spanish and other languages if the Secretary of State has determined that doing so is appropriate, as specified.

This bill would, by January 1, 2025, and by January 1 of every subsequent year following a presidential election, require the Secretary of State to create and make publically available on the Secretary of State's internet website a list of all languages, other than English, spoken or used by at least 5,000 voting-age individuals in the state *who lack sufficient skills in English to vote without assistance* and all languages, other than English, spoken by or used by at least 100 voting-age individuals in each ~~county~~, *county who lack sufficient skills in English*

to vote without assistance, as specified. The bill would require, for each statewide election, the Secretary of State to provide, in identified languages, registration forms, voting notices, instructions, assistance, other materials, and information relating to the electoral process that the Secretary of State prepares in English, as specified. The bill would require the Secretary of State to provide a toll-free voter assistance hotline from 29 days before the day of the election until 5 p.m. on the day after the election that provides assistance in identified languages, as specified. The bill would require a county elections official in a county where a language is identified by the Secretary of State to provide, in identified languages, ballots, registration forms, voting notices, instructions, assistance, and other materials and information relating to the electoral process that the county elections official prepares in English, as specified. The bill would require a county elections official to establish a language accessibility advisory committee that ~~is comprised of~~ *includes* representatives of language minority communities, as specified. The bill would require a county elections official to conduct outreach with community-based organizations to educate voters who have indicated a language preference and to make reasonable efforts to recruit elections officials who are fluent in an identified language. The bill would require the content of state and county elections internet websites to be translated into identified languages, as specified. The bill would require the Secretary of State to ensure that a county complies with these provisions and to provide funding for a county language access coordinator if more than three languages are identified in a county. The bill would, until December 31, 2029, provide that the determination as to where it is appropriate to provide facsimile copies of the ballot with the ballot measures and ballot instructions printed in Spanish and other languages is to be governed by a specified Secretary of State memorandum. The bill would make conforming changes. By increasing the duties of county elections officials, the 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 2103 of the Elections Code is amended
2 to read:

3 2103. (a) It is the intent of the Legislature that the election
4 board of each county, in order to promote and encourage voter
5 registrations, shall establish a sufficient number of registration
6 places throughout the county, and outside the county courthouse,
7 for the convenience of persons desiring to register, to the end that
8 registration may be maintained at a high level.

9 (b) It is also the intent of the Legislature that county elections
10 officials, in order to promote and encourage voter registrations,
11 shall enlist the support and cooperation of interested citizens and
12 organizations in such a way as to reach most effectively every
13 resident of the county.

14 (c) It is also the intent of the Legislature that
15 non-English-speaking citizens, like all other citizens, should be
16 encouraged to vote. Therefore, appropriate efforts should be made
17 to minimize obstacles to registration by citizens who lack sufficient
18 skill in English to register without assistance.

19 (d) It is the intent of the Legislature that county elections
20 officials be permitted to distribute affidavits of registration and
21 voter registration cards, in all languages required by Section 2601
22 and Section 203 (52 U.S.C. Sec. 10503) or Section 4(f)(4) (52
23 U.S.C. Sec. 10303(f)(4)) of the federal Voting Rights Act of 1965,
24 by using the county's internet website.

25 SEC. 2. Section 2158 of the Elections Code is amended to read:

26 2158. County elections officials shall do all of the following:

27 (a) Provide voter registration cards designed pursuant to
28 subdivision (a) of Section 2157 for the registration of voters at the
29 county elections official's office and in a sufficient number of
30 locations throughout the county for the convenience of persons
31 desiring to register, to the end that registration may be maintained
32 at a high level. The cards shall be available in all languages
33 required by Section 2601 and Section 203 (52 U.S.C. Sec. 10503)
34 or Section 4(f)(4) (52 U.S.C. Sec. 10303(f)(4)) of the federal
35 Voting Rights Act of 1965.

1 (b) Provide voter registration cards designed pursuant to
 2 subdivision (a) of Section 2157 in sufficient quantities to any
 3 individuals or organizations that wish to distribute the cards other
 4 than to persons who have been convicted of violating this section
 5 within the last five years. Individuals and organizations shall be
 6 permitted to distribute voter registration cards anywhere within
 7 the county.

8 (1) An individual or organization that distributes voter
 9 registration cards designed pursuant to subdivision (a) of Section
 10 2157 shall obtain the voter registration cards from the county
 11 elections official or the Secretary of State. The individual or
 12 organization shall comply with all applicable regulations
 13 established by the Secretary of State when distributing the cards.

14 (2) If, after completing an elector’s voter registration card, an
 15 elector entrusts it to another person, the latter shall sign and date
 16 the attached, numbered receipt indicating the person’s address and
 17 telephone number, if any, and give the receipt to the elector. Failure
 18 to comply with this paragraph shall not cause the invalidation of
 19 the registration of a voter.

20 (3) An individual or organization that distributes voter
 21 registration cards designed pursuant to subdivision (a) of Section
 22 2157 shall give a voter registration card to any elector requesting
 23 it, provided that the individual or organization has a sufficient
 24 number of cards.

25 (4) If distribution of voter registration cards pursuant to this
 26 subdivision is undertaken by mailing cards to persons who have
 27 not requested the cards, the person mailing the cards shall enclose
 28 a cover letter or other notice with each card instructing the
 29 recipients to disregard the cards if they are currently registered
 30 voters.

31 (c) Mail a voter registration card immediately to a person who
 32 wishes to register to vote and requests a voter registration card.

33 SEC. 3. Section 2265 of the Elections Code is amended to read:

34 2265. (a) (1) The department, in consultation with the
 35 Secretary of State, shall establish a schedule and method for the
 36 department to electronically provide to the Secretary of State the
 37 records specified in this section.

38 (2) The department and the Secretary of State shall develop and
 39 enter into an interagency agreement specifying how the department
 40 and the Secretary of State will cooperate to fulfill the requirements

1 of this chapter. The agreement shall be updated as necessary, and
2 the current version of the agreement shall be published on the
3 internet website of the Secretary of State, except those parts of the
4 agreement for which publication would compromise security.

5 (b) (1) The department shall provide to the Secretary of State,
6 in a manner and method to be determined by the department in
7 consultation with the Secretary of State, the following information
8 associated with each person who submits a driver's license
9 application:

10 (A) Name.

11 (B) Date of birth.

12 (C) Either or both of the following, as contained in the
13 department's records:

14 (i) Residence address.

15 (ii) Mailing address.

16 (D) Digitized signature, as described in Section 12950.5 of the
17 Vehicle Code.

18 (E) Telephone number, if available.

19 (F) Email address, if available.

20 (G) Language preference, if available.

21 (H) Political party preference, if available.

22 (I) Whether the person chooses to become a permanent vote by
23 mail voter, if available.

24 (J) Whether the person affirmatively declined to become
25 registered or preregistered to vote during a transaction with the
26 department.

27 (K) A notation that the applicant has attested that the person
28 meets all voter eligibility requirements, including United States
29 citizenship, specified in Section 2101 and, as applicable, the
30 preregistration eligibility requirements in subdivision (d) of Section
31 2102.

32 (L) Other information specified in regulations implementing
33 this chapter.

34 (2) (A) A completed voter registration application included
35 with a driver's license application and accepted at the department
36 shall be transmitted to the Secretary of State no later than 10 days
37 after the department accepts it.

38 (B) A completed voter registration application accepted within
39 five days of the last day to register to vote for a federal or statewide

1 election shall be transmitted to the Secretary of State no later than
2 five days after the date of acceptance.

3 (C) (i) For purposes of establishing the department's transmittal
4 deadlines required by this paragraph and by Section 20504(e) of
5 Title 52 of the United States Code, the completed voter registration
6 application included with the driver's license application shall be
7 deemed accepted on the date the completed voter registration
8 application arrives at the department, whether by mail, in person,
9 electronically, or in another manner, the application contains all
10 of the information in paragraph (1) except to the extent paragraph
11 (1) requires certain information to be provided only if available,
12 and the department approves the documentation of identity
13 submitted by the applicant that is required by the Vehicle Code
14 for the type of license or identification card for which the applicant
15 has applied.

16 (ii) This subparagraph shall become operative upon the
17 completion of the Digital eXperience Platform project described
18 in Item 2740-001-0044 of the Budget Act of 2021 (Chs. 21 and
19 69, Stats. 2021), or on July 1, 2025, whichever is earlier.

20 (3) (A) The department shall accept and transmit a completed
21 voter registration application included with a driver's license
22 application as described in paragraph (2) even if, pursuant to the
23 Vehicle Code, the driver's license application is incomplete or the
24 driver's license or identification card associated with the voter
25 who submitted the voter registration application is inactive due to
26 a failure to pay fees, or any other reason that is unrelated to either
27 of the following:

28 (i) The department's approval of an applicant's identity
29 documentation pursuant to the Vehicle Code.

30 (ii) An elections official's ability to prevent duplicate voter
31 registrations or preregistrations, to assess the eligibility of the
32 applicant, or to administer voter registration, preregistration, and
33 other elections procedures.

34 (B) This paragraph shall become operative upon the completion
35 of the Digital eXperience Platform project described in Item
36 2740-001-0044 of the Budget Act of 2021 (Chs. 21 and 69, Stats.
37 2021), or on July 1, 2025, whichever is earlier.

38 (4) (A) The department may provide the records described in
39 paragraph (1) to the Secretary of State before the Secretary of State
40 certifies that all of the conditions set forth in subdivision (e) of

1 this section have been satisfied. Records provided pursuant to this
2 paragraph shall only be used for purposes of outreach and education
3 to eligible voters conducted by the Secretary of State.

4 (B) The Secretary of State shall provide materials created for
5 purposes of outreach and education as described in this paragraph
6 in languages other than English, as required by ~~the~~ Section 2601
7 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

8 (c) The Secretary of State shall not sell, transfer, or allow any
9 third party access to the information acquired from the department
10 pursuant to this chapter without approval of the department, except
11 as permitted by this chapter and Section 2194.

12 (d) The department shall not electronically provide records of
13 a person who applies for or is issued a driver's license pursuant to
14 Section 12801.9 of the Vehicle Code because the person is unable
15 to submit satisfactory proof that the person's presence in the United
16 States is authorized under federal law.

17 (e) Except as provided in paragraphs (2) and (3) of subdivision
18 (b), the department shall commence implementation of this section
19 no later than one year after the Secretary of State certifies all of
20 the following:

21 (1) The state has a statewide voter registration database that
22 complies with the requirements of the federal Help America Vote
23 Act of 2002 (52 U.S.C. Sec. 20901 et seq.).

24 (2) The Legislature has appropriated the funds necessary for
25 the Secretary of State and the department to implement and
26 maintain the California New Motor Voter Program.

27 (3) The regulations required by Section 2277 have been adopted.

28 (f) The department shall not electronically provide records
29 pursuant to this section that contain a home address designated as
30 confidential pursuant to Section 1808.2, 1808.4, or 1808.6 of the
31 Vehicle Code.

32 (g) It is the intent of the Legislature that the department continue
33 its best practice of sending notice to voters when there is a delay
34 in processing completed voter registration applications. It is further
35 the intent of the Legislature that the notices continue to provide
36 information about alternative options for submitting a voter
37 registration application.

38 SEC. 4. Section 2277 of the Elections Code is amended to read:

1 2277. The Secretary of State shall adopt regulations to
2 implement this chapter, including regulations addressing both of
3 the following:

4 (a) A process for canceling the registration or preregistration
5 of a person who is ineligible to vote, but became registered or
6 preregistered under the California New Motor Voter Program in
7 the absence of any violation by that person of Section 18100.

8 (b) An education and outreach campaign informing voters about
9 the California New Motor Voter Program that the Secretary of
10 State will conduct to implement this chapter. The Secretary of
11 State may use any public and private funds available for this and
12 shall provide materials created for this outreach and education
13 campaign in languages other than English, as required by Section
14 2601 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec.
15 10503).

16 SEC. 5. Section 2300 of the Elections Code is amended to read:

17 2300. (a) All voters, pursuant to the California Constitution
18 and this code, shall be citizens of the United States. There shall
19 be a Voter Bill of Rights for voters, available to the public, which
20 shall convey all of the following to voters:

21 (1) (A) You have the right to cast a ballot if you are a valid
22 registered voter.

23 (B) A valid registered voter means a United States citizen who
24 is a resident in this state, who is at least 18 years of age and not
25 serving a state or federal prison term for conviction of a felony,
26 and who is registered to vote at their current residence address.

27 (2) You have the right to cast a provisional ballot if your name
28 is not listed on the voting rolls.

29 (3) You have the right to cast a ballot if you are present and in
30 line at the polling place before the close of the polls.

31 (4) You have the right to cast a secret ballot free from
32 intimidation.

33 (5) (A) You have the right to receive a new ballot if, before
34 casting your ballot, you believe you made a mistake.

35 (B) If at any time before you finally cast your ballot, you feel
36 you have made a mistake, you have the right to exchange the
37 spoiled ballot for a new ballot. Vote by mail voters may also
38 request and receive a new ballot if they return their spoiled ballot
39 to an elections official before the closing of the polls.

1 (6) You have the right to receive assistance in casting your
2 ballot, if you are unable to vote without assistance.

3 (7) You have the right to return a completed vote by mail ballot
4 to any precinct in the county.

5 (8) You have the right to election materials in another language,
6 if there are sufficient residents in your precinct, county, or in the
7 State *state* to warrant production.

8 (9) (A) You have the right to ask questions about election
9 procedures and observe the election process.

10 (B) You have the right to ask questions of the precinct board
11 and elections officials regarding election procedures and to receive
12 an answer or be directed to the appropriate official for an answer.
13 However, if persistent questioning disrupts the execution of their
14 duties, the precinct board or elections officials may discontinue
15 responding to questions.

16 (10) You have the right to report any illegal or fraudulent
17 activity to a local elections official or to the Secretary of State's
18 office.

19 (b) Beneath the Voter Bill of Rights there shall be listed a
20 toll-free telephone number to call if a person has been denied a
21 voting right or to report election fraud or misconduct.

22 (c) The Secretary of State may do both of the following:

23 (1) Develop regulations to implement and clarify the Voter Bill
24 of Rights set forth in subdivision (a).

25 (2) Revise the wording of the Voter Bill of Rights as necessary
26 to ensure the use of clear and concise language free from technical
27 terms.

28 (d) The Voter Bill of Rights set forth in subdivisions (a) and (b)
29 shall be made available to the public before each election and on
30 election day, at a minimum, as follows:

31 (1) The Voter Bill of Rights shall be printed in the state voter
32 information guide, pursuant to Section 9084, in a minimum of
33 12-point type. Subparagraph (B) of paragraph (1) of subdivision
34 (a), subparagraph (B) of paragraph (5) of subdivision (a), and
35 subparagraph (B) of paragraph (9) of subdivision (a) may be printed
36 in a smaller point type than the rest of the Voter Bill of Rights.

37 (2) Posters or other printed materials containing the Voter Bill
38 of Rights shall be included in precinct supplies pursuant to Section
39 14105.

40 SEC. 6. Section 2406 of the Elections Code is amended to read:

1 2406. (a) A voter registration agency shall do all of the
 2 following:

3 (1) Notify the county elections official of each applicable county
 4 of the location of each of the voter registration agency’s offices
 5 or sites within the county.

6 (2) Designate an agency employee to be responsible for the
 7 agency’s compliance with this section.

8 (3) Request voter registration cards from the applicable county
 9 elections official, as needed.

10 (4) Take steps to ensure that the voter registration agency, and
 11 each office or site of the voter registration agency, has a sufficient
 12 supply of voter preference forms and voter registration cards
 13 available, including voter preference forms and voter registration
 14 cards in all languages required by Section 2601 and Section 203
 15 (52 U.S.C. Sec. 10503) or Section 4(f)(4) (52 U.S.C. Sec.
 16 10303(f)(4)) of the federal Voting Rights Act of 1965.

17 (5) Ensure that each employee of the voter registration agency
 18 who may provide voter registration services completes, at least
 19 once per year, a training based on the training materials prepared
 20 by the Secretary of State on the requirements of this chapter and
 21 the federal National Voter Registration Act of 1993 (52 U.S.C.
 22 Sec. 20501 et seq.). The voter registration agency may incorporate
 23 this training into any other training program provided by the voter
 24 registration agency for its employees.

25 (b) A voter registration agency may conduct a review of the
 26 agency, or an office or site of the agency, as necessary, to ensure
 27 compliance with this chapter and the federal National Voter
 28 Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.).

29 SEC. 7. Section 2408 of the Elections Code is amended to read:

30 2408. (a) A voter registration agency that allows a person to
 31 apply online for service or assistance, or to submit a recertification,
 32 renewal, or change of address form relating to the service or
 33 assistance online, shall implement a process and infrastructure that
 34 allows an applicant to electronically submit a voter preference
 35 form to the voter registration agency, and to submit an affidavit
 36 of voter registration electronically on the internet website of the
 37 Secretary of State in accordance with Chapter 2.5 (commencing
 38 with Section 2196).

39 (b) If a person indicates on the person’s electronic voter
 40 preference form that the person would like to register to vote, the

1 person shall be informed that they may register to vote through
2 one of the following options, if applicable:

3 (1) Submit an affidavit of voter registration electronically on
4 the Secretary of State’s internet website pursuant to subdivision
5 (a) of Section 2196.

6 (2) Complete an affidavit of voter registration electronically on
7 the Secretary of State’s internet website, print a ~~hard copy~~ *hardcopy*
8 of the completed affidavit, and mail or deliver the ~~hard copy~~
9 *hardcopy* of the completed affidavit to the Secretary of State or
10 the appropriate county elections official pursuant to subdivision
11 (d) of Section 2196.

12 (c) A voter registration agency may take steps to ensure that the
13 information entered into a person’s electronic application for
14 service or assistance, or the person’s electronic recertification,
15 renewal, or change of address form relating to the service or
16 assistance, will be automatically transferred to the electronic
17 affidavit of voter registration if the person indicates that the person
18 would like to register to vote.

19 (d) The Secretary of State shall take steps to ensure that the
20 electronic affidavit of voter registration is available, and may be
21 electronically submitted and verified, in all languages in which a
22 county is required to provide voting materials pursuant to Section
23 2601 and Section 203 (52 U.S.C. Sec. 10503) or Section 4(f)(4)
24 (52 U.S.C. Sec. 10303(f)(4)) of the federal Voting Rights Act of
25 1965.

26 SEC. 8. Section 2601 is added to the Elections Code, to read:
27 2601. (a) By January 1, 2025, and by January 1 of every
28 subsequent year following a presidential election, the Secretary of
29 State shall create and make publicly available on the Secretary’s
30 internet website both of the following:

31 (1) A list of all languages, other than English, spoken or used
32 by at least 5,000 voting-age individuals in the ~~state~~, *state who lack*
33 *sufficient skills in English to vote without assistance*, including
34 languages not subject to Section 203 (52 U.S.C. Sec. 10503) of
35 the federal Voting Rights Act.

36 (2) A list of all languages, other than English, spoken or used
37 by at least 100 voting-age individuals in each ~~county~~, *county who*
38 *lack sufficient skills in English to vote without assistance*, including
39 languages not subject to Section 203 (52 U.S.C. Sec. 10503) of
40 the federal Voting Rights Act.

1 (b) The lists created under subdivision (a) shall:

2 (1) Be based on the best available data, which may include the
3 most recent American Community Survey from the United States
4 Census Bureau, state agency data, and any other relevant data
5 source.

6 (2) Include the estimated number of individuals in each county
7 who speak or use each listed language.

8 (c) For each statewide election, the Secretary of State shall do
9 all of the following:

10 (1) Provide registration forms, voting notices, instructions,
11 assistance, other materials, and information relating to the electoral
12 process that the Secretary of State prepares in English, in all
13 languages identified pursuant to paragraph (1) of subdivision (a)
14 so that all voters have an effective opportunity to register, learn
15 the details of the election, and cast a free and effective ballot.

16 (2) Provide translated materials subject to paragraph (1) to a
17 voter in a manner consistent with existing law if the voter has
18 indicated a language preference for one of the languages.

19 (3) Ensure the state voter information guide is translated in the
20 manner described in Section 14111 into each language listed by
21 the Secretary of State pursuant to paragraph (1) of subdivision (a).

22 (4) Provide a translated state information guide to a voter by
23 the deadlines provided in Section 9094 if the voter has indicated
24 a language preference for one of the languages into which materials
25 are translated pursuant to paragraph (3).

26 (5) Ensure each translation of the state voter guide that is made
27 under paragraph (3) is available on the internet website of the
28 Secretary of State.

29 (6) Provide a toll-free voter assistance hotline that is operational
30 from no later than 29 days before the day of the election until 5
31 p.m. on the day after the election. The toll-free voter assistance
32 hotline shall provide assistance to voters in all languages listed
33 pursuant to subdivision (a) and shall be accessible to voters who
34 are deaf or hard of hearing.

35 (d) For each election, in counties where a language is identified
36 under paragraph (2) of subdivision (a), the county elections official
37 shall do both of the following for each language:

38 (1) Provide votable ballots, registration forms, voting notices,
39 instructions, assistance, other materials, and information relating
40 to the electoral process, that the county elections official prepares

1 in English in that language so that all voters have an effective
2 opportunity to register, learn the details of the elections, and cast
3 a free and effective ballot.

4 (2) Ensure the county voter information guide is translated in
5 the manner described in Section 14111 into that language.

6 (e) For each election, in counties where a language is identified
7 under paragraph (2) of subdivision (a), the county elections official
8 shall do all of the following:

9 (1) Provide translated materials subject to subdivision (d) to a
10 voter in a manner consistent with existing state law if the voter
11 has indicated a language preference for one of the languages.

12 (2) Provide a translated county voter information guide to a
13 voter by the deadlines provided in Section 13303 if the voter has
14 indicated a language preference for one of the languages into which
15 materials are translated pursuant to paragraph (2) of subdivision
16 (d).

17 (3) Ensure each translation of the county voter guide that is
18 made under paragraph (2) of subdivision (d) is available on the
19 internet website of the county.

20 (4) Ensure at least two direct contacts with voters for purposes
21 of informing voters of the upcoming election and promoting the
22 toll-free voter assistance ~~hotline~~; *hotline*.

23 (5) Establish a language accessibility advisory committee that
24 ~~is comprised of~~ *includes* representatives of language minority
25 communities. The committee shall be established no later than
26 October 1, 2025, and meet no less than quarterly thereafter.

27 (6) Conduct outreach with ~~community-based~~ *community-based*
28 organizations to educate voters on the availability of language
29 access services and materials.

30 (7) Report to the Secretary of State the number of voters who
31 have indicated a language preference, by language.

32 (8) Make reasonable efforts to recruit election officials who are
33 fluent in a language listed pursuant to paragraph (2) of subdivision
34 (a) and in English.

35 (9) Create a dedicated internet website address where voters
36 speaking a language identified under paragraph (2) of subdivision
37 (a) can find all available translated voting materials in that language
38 created in the state, by the Secretary of State or by a county
39 elections official, in the style of vote.ca.gov/espanol or, if a

1 language does not use the roman alphabet, in the style of
2 vote.ca.gov/korean.

3 (f) Information that shall be translated includes the content of
4 state and county election internet websites.

5 (g) The requirements in this section apply to all stages of the
6 electoral process, including the issuance, at any time during the
7 year, of notifications, announcements, or other informational
8 materials concerning the opportunity to register, the deadline for
9 voter registration, the time, places, and subject matters of elections,
10 and the voting process.

11 (h) In counties where a language is listed pursuant to paragraph
12 (2) of subdivision (a), the Secretary of State shall do both of the
13 following:

14 (1) Ensure each county complies with subdivisions (d) and (e).

15 (2) Provide funding for a county language access coordinator
16 if more than three languages are identified in a county pursuant to
17 paragraph (2) of subdivision (a).

18 (i) The Secretary of State may adopt any rules necessary to
19 implement this section.

20 SEC. 9. Section 3019 of the Elections Code is amended to read:

21 3019. (a) (1) Upon receiving a vote by mail ballot, the
22 elections official shall compare the signature on the identification
23 envelope with either of the following to determine if the signatures
24 compare:

25 (A) The signature appearing on the voter's affidavit of
26 registration or any previous affidavit of registration of the voter.

27 (B) The signature appearing on a form issued by an elections
28 official that contains the voter's signature and that is part of the
29 voter's registration record.

30 (2) All of the following apply to the comparison of signatures
31 pursuant to this section:

32 (A) A presumption exists that the signature on the identification
33 envelope, signature verification statement, unsigned identification
34 envelope statement, or provisional ballot envelope is the voter's
35 signature.

36 (B) An exact match is not required for an elections official to
37 determine that a voter's signature is valid. The fact that signatures
38 share similar characteristics is sufficient to determine that a
39 signature is valid.

1 (C) Except as provided in subparagraph (D), the elections
2 official shall consider explanations for discrepancies between
3 signatures that are specified in regulations promulgated by the
4 Secretary of State. For purposes of this subparagraph, explanations
5 include a variation in signature style over time and the haste with
6 which a signature is written.

7 (D) When comparing signatures, an elections official shall not
8 review or consider a voter's party preference, race, or ethnicity.

9 (E) The elections official may consider characteristics of the
10 written signature that are specified in regulations promulgated by
11 the Secretary of State. For purposes of this subparagraph,
12 characteristics include the slant of the signature, letter formation,
13 and whether the signature is printed or written in cursive.

14 (F) The elections official may use facsimiles of voters'
15 signatures, provided that the method of preparing and displaying
16 the facsimiles complies with the law.

17 (G) In comparing signatures pursuant to this section, an elections
18 official may use signature verification technology. If signature
19 verification technology determines that the signatures do not
20 compare, the signature is subject to the additional procedures
21 described in paragraph (2) of subdivision (c).

22 (H) The variation of a signature caused by the substitution of
23 initials for the first or middle name, or both, is not grounds for the
24 elections official to determine that the signatures do not compare.

25 (I) A signature made using a mark such as an "X", "X," or made
26 by a signature stamp, shall be presumed valid and shall be accepted
27 if the signature meets the requirements of Section 354.5.

28 (b) If upon conducting the comparison of signatures pursuant
29 to subdivision (a) the elections official determines that the
30 signatures compare, the elections official shall deposit the ballot,
31 still in the identification envelope, in a ballot container in the
32 elections official's office.

33 (c) (1) If upon conducting the comparison of signatures pursuant
34 to subdivision (a) the elections official determines that the signature
35 possesses multiple, significant, and obvious differing characteristics
36 when compared to all signatures in the voter's registration record,
37 the signature is subject to the additional procedures described in
38 paragraph (2).

39 (2) If the elections official makes the determination described
40 in paragraph (1), the signature shall be rejected only if two

1 additional elections officials each find beyond a reasonable doubt
 2 that the signature differs in multiple, significant, and obvious
 3 respects from all signatures in the voter’s registration record. If
 4 the officials determine that the signatures do not compare, the
 5 identification envelope shall not be opened and the ballot shall not
 6 be counted. The elections official shall write the cause of the
 7 rejection on the face of the identification envelope only after
 8 completing the procedures described in subdivision (d).

9 (d) (1) (A) Except as provided in subparagraph (D), on or
 10 before the next business day after a determination that a voter’s
 11 signature does not compare pursuant to subdivision (c), but not
 12 later than eight days prior to the certification of the election, the
 13 elections official shall send by first-class mail notice to the voter
 14 of the opportunity to verify the voter’s signature no later than 5
 15 p.m. two days prior to the certification of the election. The notice
 16 shall include a return envelope, with postage paid, for the voter to
 17 return a signature verification statement.

18 (B) Unless required pursuant to Section 3026, the elections
 19 official may send additional written notices to a voter identified
 20 pursuant to subdivision (c), and may also notify the voter in person,
 21 by telephone or email, or by other means of the opportunity to
 22 verify the voter’s signature.

23 (C) Unless required pursuant to Section 3026, the elections
 24 official may use any information in a county’s election
 25 management system, or otherwise in the election official’s
 26 possession, for the purpose of notifying the voter of the opportunity
 27 to verify the voter’s signature.

28 (D) If it is impracticable under the circumstances for the
 29 elections official to send the notice described in subparagraph (A)
 30 on or before the next business day, including in the event of
 31 technological failure, the elections official shall send the notice as
 32 soon as practicable, but not later than eight days prior to the
 33 certification of the election.

34 (2) The notice and instructions shall be in substantially the
 35 following form:

36
 37 “READ THESE INSTRUCTIONS CAREFULLY. FAILURE TO FOLLOW THESE
 38 INSTRUCTIONS MAY CAUSE YOUR VOTE BY MAIL BALLOT NOT TO
 39 COUNT.
 40

- 1 1. We have determined that the signature you provided on your vote by mail
2 ballot does not compare with the signature(s) on file in your voter record. In
3 order to ensure that your vote by mail ballot will be counted, the signature
4 verification statement must be completed and returned as soon as possible.
- 5 2. The signature verification statement must be received by the elections
6 official of the county where you are registered to vote no later than 5 p.m. two
7 days prior to certification of the election.
- 8 3. You must sign your name where specified on the signature verification
9 statement (Voter's Signature).
- 10 4. Place the signature verification statement into the postage-paid return
11 envelope if it is included with these instructions. If a return envelope is not
12 included with these instructions, use your own mailing envelope addressed to
13 your local elections official. Mail, deliver, or have the completed statement
14 delivered to the elections official. If you mail your completed statement using
15 your own envelope, be sure there is sufficient postage and that the address of
16 the elections official is correct.
- 17 5. If you do not wish to send the signature verification statement by mail or
18 have it delivered, you may submit your completed statement by email or
19 facsimile transmission to your local elections official, or submit your completed
20 statement to a polling place within the county or a ballot dropoff box before
21 the close of the polls on election day.”

22
23 (3) The notice and instructions shall be translated in all
24 languages required in that county by Section 2601 and Section
25 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec.
26 10503).

27 (4) The elections official shall not reject a vote by mail ballot
28 identified pursuant to subdivision (c) if each of the following
29 conditions is satisfied:

30 (A) The voter delivers, in person, by mail, by fax, or by email,
31 a signature verification statement signed by the voter and the
32 elections official receives the statement no later than 5 p.m. two
33 days prior to the certification of the election, or the voter, before
34 the close of the polls on election day, completes and submits a
35 signature verification statement to a polling place within the county
36 or a ballot dropoff box.

37 (B) Upon receipt of the signature verification statement, the
38 elections official shall compare the signature on the statement with
39 the signature on file in the voter's record.

1 (i) If upon conducting the comparison of signatures the elections
2 official determines that the signatures compare, the elections
3 official shall deposit the ballot, still in the identification envelope,
4 in a ballot container in the elections official’s office.

5 (ii) If, under the standards and procedures of subdivision (c), a
6 determination is made that the signatures do not compare, the
7 identification envelope shall not be opened and the ballot shall not
8 be counted. The elections official shall write the cause of the
9 rejection on the face of the identification envelope.

10 (5) The signature verification statement shall be in substantially
11 the following form and may be included on the same page as the
12 notice and instructions specified in paragraph (2):

13
14 “SIGNATURE VERIFICATION STATEMENT

15
16 I, _____, am a registered voter of _____ County,
17 State of California. I declare under penalty of perjury that I requested (or I
18 received) and returned a vote by mail ballot. I am a resident of the precinct in
19 which I have voted, and I am the person whose name appears on the vote by
20 mail ballot envelope. I understand that if I commit or attempt any fraud in
21 connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud
22 in connection with voting, I may be convicted of a felony punishable by
23 imprisonment for 16 months or two or three years. I understand that my failure
24 to sign this statement means that my vote by mail ballot will be invalidated.

25 _____
26 Voter’s Signature

27 _____
28 Address”
29

30 (6) An elections official shall include the vote by mail ballot
31 signature verification statement and instructions provided in this
32 subdivision on the elections official’s internet website and shall
33 provide the elections official’s mailing address, email address, and
34 facsimile transmission number on the internet web page containing
35 the statement and instructions.

36 (7) If the elections official determines that the signatures
37 compare, the official shall use the signature in the signature
38 verification statement, even if returned untimely, to update the
39 voter’s signature for future elections.

1 (e) (1) (A) Notwithstanding any other law, if an elections
2 official determines that a voter has failed to sign the identification
3 envelope, the elections official shall not reject the vote by mail
4 ballot if the voter does any of the following:

5 (i) Signs the identification envelope at the office of the elections
6 official during regular business hours no later than 5 p.m. two days
7 prior to the certification of the election.

8 (ii) No later than 5 p.m. two days prior to the certification of
9 the election, completes and submits an unsigned identification
10 envelope statement in substantially the following form:

11
12 “UNSIGNED IDENTIFICATION ENVELOPE STATEMENT

13
14 I, _____, am a registered voter of _____ County,
15 State of California. I declare under penalty of perjury that I requested (or I
16 received) and returned a vote by mail ballot and that I have not and will not
17 vote more than one ballot in this election. I am a resident of the precinct in
18 which I have voted, and I am the person whose name appears on the vote by
19 mail ballot envelope. I understand that if I commit or attempt any fraud in
20 connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud
21 in connection with voting, I may be convicted of a felony punishable by
22 imprisonment for 16 months or two or three years. I understand that my failure
23 to sign this statement means that my vote by mail ballot will be invalidated.

24 _____
25 Voter’s Signature

26 _____
27 Address”

28
29 (iii) Before the close of the polls on election day, completes and
30 submits an unsigned identification envelope statement, in the form
31 described in clause (ii), to a polling place within the county or a
32 ballot dropoff box.

33 (B) (i) Except as provided in clause (iv), or before the next
34 business day after discovering that a voter has failed to sign the
35 identification envelope, but not later than eight days prior to the
36 certification of the election, the elections official shall send by
37 first-class mail notice and instructions to the voter of the
38 opportunity to provide a signature no later than 5 p.m. two days
39 prior to the certification of the election. The notice shall include

1 a return envelope, with postage paid, for the voter to return the
2 unsigned identification envelope statement.

3 (ii) Unless required pursuant to Section 3026, the elections
4 official may send additional written notices to a voter identified
5 pursuant to this subdivision, and may also notify the voter in
6 person, by telephone or email, or by other means of the opportunity
7 to provide a signature.

8 (iii) Unless required pursuant to Section 3026, the elections
9 official may use any information in the county's election
10 management system, or otherwise in the election official's
11 possession, for the purpose of notifying the voter of the opportunity
12 to provide a signature.

13 (iv) If it is impracticable under the circumstances for the
14 elections official to send the notice described in clause (i) on or
15 before the next business day, including in the event of technological
16 failure, the elections official shall send the notice as soon as
17 practicable, but not later than eight days prior to the certification
18 of the election.

19 (C) If timely submitted, the elections official shall accept any
20 completed unsigned identification envelope statement. Upon receipt
21 of the unsigned identification envelope statement, the elections
22 official shall compare the voter's signature on the statement in the
23 manner provided by this section.

24 (i) If the elections official determines that the signatures
25 compare, the elections official shall attach the unsigned
26 identification envelope statement to the identification envelope
27 and deposit the ballot, still in the identification envelope, in a ballot
28 container in the elections official's office.

29 (ii) If, under the standards and procedures of subdivision (c), a
30 determination is made that the signatures do not compare, the
31 identification envelope shall not be opened and the elections
32 official shall provide notice to the voter pursuant to subdivisions
33 (c) and (d).

34 (D) An elections official may use methods other than those
35 described in subparagraph (A) to obtain a voter's signature on an
36 unsigned identification envelope.

37 (2) Instructions shall accompany the unsigned identification
38 envelope statement in substantially the following form:

1 “READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
2 STATEMENT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
3 YOUR BALLOT NOT TO COUNT.
4

- 5 1. In order to ensure that your vote by mail ballot will be counted, your
6 statement should be completed and returned as soon as possible, but
7 no later than 5 p.m. two days prior to the certification of the election.
- 8 2. You must sign your name on the line above (Voter’s Signature).
- 9 3. Place the statement into the postage-paid return envelope if it is included
10 with these instructions. If a return envelope is not included with these
11 instructions, use your own mailing envelope addressed to your local
12 elections official. Mail, deliver, or have delivered the completed
13 statement to the elections official. If you mail your completed statement
14 using your own envelope, be sure there is sufficient postage and that
15 the address of the elections official is correct.
- 16 4. If you do not wish to send the statement by mail or have it delivered,
17 you may submit your completed statement by facsimile or email
18 transmission to your local elections official, or submit your completed
19 statement to a polling place within the county or a ballot dropoff box
20 before the close of the polls on election day.”
21

22 (3) The notice and instructions shall be translated in all
23 languages required in that county by Section 2601 and Section
24 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec.
25 10503).

26 (4) An elections official shall include the unsigned identification
27 envelope statement and instructions described in this subdivision
28 on the elections official’s internet website and shall provide the
29 elections official’s mailing address, email address, and facsimile
30 transmission number on the internet web page containing the
31 statement and instructions.

32 (f) A ballot shall not be removed from its identification envelope
33 until the time for processing ballots. A ballot shall not be rejected
34 for cause after the identification envelope has been opened.

35 (g) For purposes of this section, “certification of the election”
36 means the date the particular elections official submits a certified
37 statement of the results of the election to the governing body
38 pursuant to Section 15372, even if that occurs before the deadline
39 to submit the certified statement of the election results set forth in
40 Section 15372.

1 (h) In comparing signatures pursuant to this section, including
2 when using signature verification software or other technology,
3 an elections official shall adhere to all applicable regulations
4 promulgated by the Secretary of State.

5 SEC. 10. Section 4005 of the Elections Code is amended to
6 read:

7 4005. (a) Notwithstanding Section 4000 or any other law, on
8 or after January 1, 2018, the Counties of Calaveras, Inyo, Madera,
9 Napa, Nevada, Orange, Sacramento, San Luis Obispo, San Mateo,
10 Santa Clara, Shasta, Sierra, Sutter, and Tuolumne, and, except as
11 provided in Section 4007, on or after January 1, 2020, any county
12 may conduct any election as an all-mailed ballot election if all of
13 the following apply:

14 (1) (A) At least two ballot dropoff locations are provided within
15 the jurisdiction where the election is held or the number of ballot
16 dropoff locations are fixed in a manner so that there is at least one
17 ballot dropoff location provided for every 15,000 registered voters
18 within the jurisdiction where the election is held, as determined
19 on the 88th day before the day of the election, whichever results
20 in more ballot dropoff locations. For purposes of this subparagraph,
21 a vote center that includes an exterior ballot drop box counts only
22 as a single ballot dropoff location. Ballot dropoff locations shall
23 comply with the regulations adopted pursuant to subdivision (b)
24 of Section 3025.

25 (B) A ballot dropoff location provided for under this section
26 consists of a secure, accessible, and locked ballot box located as
27 near as possible to established public transportation routes and that
28 is able to receive voted ballots. All ballot dropoff locations shall
29 be open at least during regular business hours beginning not less
30 than 28 days before the day of the election, and on the day of the
31 election. At least one ballot dropoff location shall be an accessible,
32 secured, exterior drop box that is available for a minimum of 12
33 hours per day including regular business hours.

34 (2) (A) The county elections official permits a voter residing
35 in the county to do any of the following at a vote center:

36 (i) Return, or vote and return, the voter's vote by mail ballot.

37 (ii) Register to vote, update the voter's voter registration, and
38 vote pursuant to Section 2170.

1 (iii) Receive and vote a provisional ballot pursuant to Section
2 3016 or Article 5 (commencing with Section 14310) of Chapter 3
3 of Division 14.

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

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

13 (B) Each vote center shall have at least three voting machines
14 that are accessible to voters with disabilities.

15 (3) (A) On the day of the election, from 7 a.m. to 8 p.m.,
16 inclusive, and on each of the three days before the election, for a
17 minimum of eight hours per day, at least one vote center is
18 provided for every 10,000 registered voters within the jurisdiction
19 where the election is held, as determined on the 88th day before
20 the day of the election. At least 90 percent of the number of vote
21 centers required by this subparagraph shall be open for all four
22 days during the required times. Up to 10 percent of the number of
23 vote centers required by this subparagraph may be open for less
24 than four days if at least one vote center is provided for every
25 10,000 registered voters on each day.

26 (B) Notwithstanding subparagraph (A), for a jurisdiction with
27 fewer than 20,000 registered voters, a minimum of two vote centers
28 are provided on the day of the election and on each of the three
29 days before the election within the jurisdiction where the election
30 is held.

31 (4) (A) Beginning 10 days before the day of the election and
32 continuing daily up to and including the fourth day before the
33 election, for a minimum of eight hours per day, at least one vote
34 center is provided for every 50,000 registered voters within the
35 jurisdiction where the election is held, as determined on the 88th
36 day before the day of the election.

37 (B) Notwithstanding subparagraph (A), for a jurisdiction with
38 fewer than 50,000 registered voters, a minimum of two vote centers
39 are provided within the jurisdiction where the election is held.

1 (C) The vote centers provided under this section are established
 2 in accordance with the accessibility requirements described in
 3 Article 5 (commencing with Section 12280) of Chapter 3 of
 4 Division 12, the federal Americans with Disabilities Act of 1990
 5 (42 U.S.C. Sec. 12101 et seq.), the federal Help America Vote Act
 6 of 2002 (52 U.S.C. Sec. 20901 et seq.), and the federal Voting
 7 Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

8 (D) The vote centers provided under this section are equitably
 9 distributed across the county so as to afford maximally convenient
 10 options for voters and are established at accessible locations as
 11 near as possible to established public transportation routes. The
 12 vote centers shall be equipped with voting units or systems that
 13 are accessible to individuals with disabilities and that provide the
 14 same opportunity for access and participation as is provided to
 15 voters who are not disabled, including the ability to vote privately
 16 and independently in accordance with Sections 12280 and 19240.

17 (E) (i) The vote centers provided under this section have an
 18 electronic mechanism for the county elections official to
 19 immediately access, at a minimum, all of the following voter
 20 registration data:

- 21 (I) Name.
- 22 (II) Address.
- 23 (III) Date of birth.
- 24 (IV) Language preference.
- 25 (V) Party preference.
- 26 (VI) Precinct.
- 27 (VII) Whether or not the voter has been issued a vote by mail
 28 ballot and whether or not a ballot has been received by the county
 29 elections official.

30 (ii) The electronic mechanism used to access voter registration
 31 data shall not be connected in any way to a voting system.

32 (5) A method is available for voters with disabilities to request
 33 and receive a blank vote by mail ballot and, if a replacement ballot
 34 is necessary, a blank replacement ballot that voters with disabilities
 35 can read and mark privately and independently pursuant to the
 36 federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et
 37 seq.).

38 (6) (A) Except as otherwise provided for in this section, election
 39 boards for the vote centers established under this section meet the

1 requirements for eligibility and composition pursuant to Article 1
2 (commencing with Section 12300) of Chapter 4 of Division 12.

3 (B) Each vote center provides language assistance in all
4 languages required in the jurisdiction under Section 2601 and
5 subdivision (c) of Section 12303 or Section 203 of the federal
6 Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) in a
7 manner that enables voters of the applicable language minority
8 groups to participate effectively in the electoral process. Each vote
9 center shall post information regarding the availability of language
10 assistance in English and all other languages for which language
11 assistance is required to be provided in the jurisdiction under
12 Section 2601 and subdivision (c) of Section 12303 or Section 203
13 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101
14 et seq.).

15 (i) If a vote center is located in a county required to establish
16 language requirements under Section 2601 or subdivision (c) of
17 Section 12303 or Section 203 of the federal Voting Rights Act of
18 1965 (52 U.S.C. Sec. 10101 et seq.), or if it is identified as needing
19 language assistance through the public input process described in
20 clause (ii), the county elections official shall ensure that the vote
21 center is staffed by election board members who speak the required
22 language. If the county elections official is unable to recruit
23 election board members who speak the required language,
24 alternative methods of effective language assistance shall be
25 provided by the county elections official.

26 (ii) The county elections official shall solicit public input
27 regarding which vote centers should be staffed by election board
28 members who are fluent in a language in addition to English
29 pursuant to Section 2601 and subdivision (c) of Section 12303 and
30 Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C.
31 Sec. 10101 et seq.).

32 (iii) The county elections official shall provide notice in the
33 sample ballot, in vote by mail materials, and on the official's
34 internet website of the specific language services available at each
35 vote center.

36 (C) Each vote center provides election materials translated in
37 all languages identified pursuant to paragraph (2) of subdivision
38 (a) of Section 2601 in its county as well as languages required in
39 the jurisdiction under subdivision (a) of Section 14201 and Section

1 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101
2 et seq.).

3 (D) Each vote center provides reasonable modifications and
4 auxiliary aids and services as required by the federal Americans
5 with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and
6 the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 701 et seq.).

7 (7) (A) Beginning 10 days before the election, the county
8 elections official maintains, in an electronic format, an index of
9 voters who have done any of the following at one of the vote
10 centers established pursuant to this section:

11 (i) Registered to vote or updated the voter's voter registration.

12 (ii) Received and voted a provisional ballot or replacement
13 ballot.

14 (iii) Voted a ballot using equipment at the vote center.

15 (B) The index required by subparagraph (A) includes the same
16 information for each voter as is required to be included on copies
17 of the roster that are posted pursuant to Section 14294. The index
18 required by subparagraph (A) shall be updated continuously during
19 any time that a vote center is open in the jurisdiction.

20 (8) (A) No later than 29 days before the day of the election, the
21 county elections official begins mailing to registered voters a vote
22 by mail ballot packet that includes a return envelope with
23 instructions for the use and return of the vote by mail ballot. The
24 county elections official shall have five days to mail a ballot to
25 each person who is registered to vote on the 29th day before the
26 day of the election and five days for each subsequent registered
27 voter. The county elections official shall not discriminate against
28 any region or precinct in the county in choosing which ballots to
29 mail first within the prescribed five-day mailing period.

30 (B) The county elections official delivers to each voter, with
31 either the sample ballot sent pursuant to Section 13303 or with the
32 vote by mail ballot packet, all of the following:

33 (i) A notice, translated in all languages identified pursuant to
34 paragraph (2) of subdivision (a) of Section 2601 in its county as
35 well as languages required under subdivision (a) of Section 14201
36 and Section 203 of the federal Voting Rights Act of 1965 (52
37 U.S.C. Sec. 10101 et seq.), that informs voters of all of the
38 following:

39 (I) An all-mailed ballot election is being conducted and each
40 eligible voter will be issued a vote by mail ballot by mail.

1 (II) The voter may cast a vote by mail ballot in person at a vote
2 center during the times and days specified in subparagraph (A) of
3 paragraph (4) or on election day.

4 (III) No later than seven days before the day of the election, the
5 voter may request the county elections official to send a vote by
6 mail ballot in a language other than English pursuant to Section
7 2601 and Section 203 of the federal Voting Rights Act of 1965
8 (52 U.S.C. Sec. 10101 et seq.) or a facsimile copy of the ballot
9 printed in a language other than English pursuant to Section 14201.

10 (IV) No later than seven days before the day of the election, the
11 voter may request the county elections official to send or deliver
12 a ballot that voters with disabilities can read and mark privately
13 and independently pursuant to the federal Help America Vote Act
14 of 2002 (52 U.S.C. Sec. 20901 et seq.).

15 (ii) A list of the ballot dropoff locations and vote centers
16 established pursuant to this section, including the dates and hours
17 they are open. The list shall also be posted on the internet website
18 of the county elections official in a format that is accessible for
19 people with disabilities pursuant to Section 11135 of the
20 Government Code.

21 (iii) A postage-paid postcard that the voter may return to the
22 county elections official for the purpose of requesting a vote by
23 mail ballot in a language other than English or for the purpose of
24 requesting a vote by mail ballot in an accessible format.

25 (C) Upon request, the county elections official provides written
26 voting materials to voters with disabilities in an accessible format,
27 as required by the federal Americans with Disabilities Act of 1990
28 (42 U.S.C. Sec. 12101 et seq.) and the federal Rehabilitation Act
29 of 1973 (29 U.S.C. Sec. 701 et seq.).

30 (9) (A) The county elections official establishes a language
31 accessibility advisory committee that is comprised of
32 representatives of language minority communities. The committee
33 shall be established no later than October 1 of the year before the
34 first election conducted pursuant to this section. The committee
35 shall hold its first meeting no later than April 1 of the year in which
36 the first election is conducted pursuant to this section.

37 (B) The county elections official establishes a voting
38 accessibility advisory committee that is comprised of voters with
39 disabilities. The committee shall be established no later than
40 October 1 of the year before the first election conducted pursuant

1 to this section. The committee shall hold its first meeting no later
2 than April 1 of the year in which the first election is conducted
3 pursuant to this section.

4 (C) A county with fewer than 50,000 registered voters may
5 establish a joint advisory committee for language minority
6 communities and voters with disabilities.

7 (10) (A) The county elections official develops a draft plan for
8 the administration of elections conducted pursuant to this section
9 in consultation with the public, including both of the following:

10 (i) One meeting, publicly noticed at least 10 days in advance of
11 the meeting, that includes representatives, advocates, and other
12 stakeholders representing each community for which the county
13 is required to provide voting materials and assistance in a language
14 other than English under Section 2601, subdivision (a) of Section
15 14201, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec.
16 10101 et seq.).

17 (ii) One meeting, publicly noticed at least 10 days in advance
18 of the meeting, that includes representatives from the disability
19 community and community organizations and individuals that
20 advocate on behalf of, or provide services to, individuals with
21 disabilities.

22 (B) The county elections official, when developing the draft
23 plan for the administration of elections conducted pursuant to this
24 section, considers, at a minimum, all of the following:

25 (i) Vote center and ballot dropoff location proximity to public
26 transportation.

27 (ii) Vote center and ballot dropoff location proximity to
28 communities with historically low vote by mail usage.

29 (iii) Vote center and ballot dropoff location proximity to
30 population centers.

31 (iv) Vote center and ballot dropoff location proximity to
32 language minority communities.

33 (v) Vote center and ballot dropoff location proximity to voters
34 with disabilities.

35 (vi) Vote center and ballot dropoff location proximity to
36 communities with low rates of household vehicle ownership.

37 (vii) Vote center and ballot dropoff location proximity to
38 low-income communities.

- 1 (viii) Vote center and ballot dropoff location proximity to
2 communities of eligible voters who are not registered to vote and
3 may need access to ~~same-day~~ *same-day* voter registration.
- 4 (ix) Vote center and ballot dropoff location proximity to
5 geographically isolated populations, including Native American
6 reservations.
- 7 (x) Access to accessible and free parking at vote centers and
8 ballot dropoff locations.
- 9 (xi) The distance and time a voter must travel by car or public
10 transportation to a vote center and ballot dropoff location.
- 11 (xii) The need for alternate methods for voters with disabilities
12 for whom vote by mail ballots are not accessible to cast a ballot.
- 13 (xiii) Traffic patterns near vote centers and ballot dropoff
14 locations.
- 15 (xiv) The need for mobile vote centers in addition to the number
16 of vote centers established pursuant to this section.
- 17 (xv) Vote center location on a public or private university or
18 college campus.
- 19 (C) The county elections official publicly notices the draft plan
20 for the administration of elections conducted pursuant to this
21 section and accepts public comments on the draft plan for at least
22 14 days before the hearing held pursuant to subparagraph (D).
- 23 (D) (i) Following the 14-day review period required by
24 subparagraph (C), the county elections official holds a public
25 meeting to consider the draft plan for the administration of elections
26 conducted pursuant to this section and to accept public comments.
27 The meeting shall be publicly noticed at least 10 days in advance
28 of the meeting on the internet websites of the clerk of the county
29 board of supervisors and the county elections official, or, if neither
30 the clerk of the county board of supervisors nor the county elections
31 official maintain an internet website, in the office of the county
32 elections official.
- 33 (ii) After the public hearing to consider the draft plan for the
34 administration of elections conducted pursuant to this section and
35 to accept public comments, the county elections official shall
36 consider any public comments the official receives from the public
37 and shall amend the draft plan in response to the public comments
38 to the extent the official deems appropriate. The county elections
39 official shall publicly notice the amended draft plan and shall
40 accept public comments on the amended draft plan for at least 14

1 days before the county elections official may adopt the amended
2 draft plan pursuant to subparagraph (E).

3 (E) (i) Following the 14-day review and comment period
4 required by clause (ii) of subparagraph (D), the county elections
5 official may adopt a final plan for the administration of elections
6 conducted pursuant to this section, and shall submit the voter
7 education and outreach plan that is required by clause (i) of
8 subparagraph (I) to the Secretary of State for approval.

9 (ii) The Secretary of State shall approve, approve with
10 modifications, or reject a voter education and outreach plan
11 submitted pursuant to clause (i) of subparagraph (I) within 14 days
12 after the plan is submitted by the county elections official.

13 (iii) The draft plan, the amended draft plan, and the adopted
14 final plan for the administration of elections conducted pursuant
15 to this section shall be posted on the internet website of the county
16 elections official in each language in which the county is required
17 to provide voting materials and assistance under Section 2601,
18 subdivision (a) of Section 14201, and the federal Voting Rights
19 Act of 1965 (52 U.S.C. Sec. 10101 et seq.), and the Secretary of
20 State's internet website in a format that is accessible for people
21 with disabilities pursuant to Section 11135 of the Government
22 Code.

23 (F) Public meetings held pursuant to this paragraph shall, upon
24 request, provide auxiliary aids and services to ensure effective
25 communication with people with disabilities.

26 (G) Within two years of the adoption of the first plan for the
27 administration of elections conducted pursuant to this section, the
28 county elections official shall hold public meetings in accordance
29 with the procedures described in subparagraphs (C) to (F),
30 inclusive, to consider revising the first plan for the administration
31 of elections conducted pursuant to this section. Every four years
32 thereafter, the county elections official shall hold public meetings
33 in accordance with the procedures described in subparagraphs (C)
34 to (F), inclusive, to consider revising the plan for the administration
35 of elections conducted pursuant to this section.

36 (H) (i) With reasonable public notification, a county elections
37 official may amend a plan for the administration of elections
38 conducted pursuant to this section no more than 120 days before
39 the date of an election held pursuant to this section.

1 (ii) With reasonable public notification, a county elections
2 official may amend a plan for the administration of elections
3 conducted pursuant to this section more than 120 days before the
4 date of an election held pursuant to this section if the official
5 provides at least 30 days to accept public comments on the
6 amended plan.

7 (I) The plan for the administration of elections conducted
8 pursuant to this section, includes all of the following:

9 (i) A voter education and outreach plan that is approved by the
10 Secretary of State and that includes all of the following:

11 (I) A description of how the county elections official will use
12 the media, including social media, newspapers, radio, and television
13 that serve language minority communities for purposes of
14 informing voters of the upcoming election and promoting the
15 toll-free voter assistance hotline.

16 (II) A description of how the county elections official will use
17 the media, including social media, newspapers, radio, and television
18 for purposes of informing voters of the availability of a vote by
19 mail ballot in an accessible format and the process for requesting
20 such a ballot.

21 (III) A description of how the county elections official will have
22 a community presence to educate voters regarding the provisions
23 of this section.

24 (IV) A description of the accessible information that will be
25 publicly available on the accessible internet website of the county
26 elections official.

27 (V) A description of the method used by the county elections
28 official to identify language minority voters.

29 (VI) A description of how the county elections official will
30 educate and communicate the provisions of this section to the
31 public, including:

32 (ia) Communities for which the county is required to provide
33 voting materials and assistance in a language other than English
34 under Section 2601 or subdivision (a) of Section 14201 and the
35 federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).
36 The county elections official shall hold at least one bilingual voter
37 education workshop for each language in which the county is
38 required to provide voting materials and assistance in a language
39 other than English under Section 2601 and the federal Voting
40 Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

1 (ib) The disability community, including organizations and
2 individuals that advocate on behalf of, or provide services to,
3 individuals with disabilities. The county elections official shall
4 hold at least one voter education workshop to increase accessibility
5 and participation of eligible voters with disabilities.

6 (VII) A description of how the county will spend the necessary
7 resources on voter education and outreach to ensure that voters
8 are fully informed about the election. This description shall include
9 information about the amount of money the county plans to spend
10 on voter education and outreach activities under the plan, and how
11 that compares to the amount of money spent on voter education
12 and outreach in recent similar elections in the same jurisdiction
13 that were not conducted pursuant to this section.

14 (VIII) At least one public service announcement in the media,
15 including newspapers, radio, and television, that serve
16 English-speaking citizens for purposes of informing voters of the
17 upcoming election and promoting the toll-free voter assistance
18 hotline. Outreach made under this subclause shall include access
19 for voters who are deaf or hard of hearing and voters who are blind
20 or visually impaired.

21 (IX) At least one public service announcement in the media,
22 including newspapers, radio, and television, that serve
23 non-English-speaking citizens for each language in which the
24 county is required to provide voting materials and assistance under
25 paragraph (2) of subdivision (a) of Section 2601 and subdivision
26 (a) of Section 14201 and the federal Voting Rights Act of 1965
27 (52 U.S.C. Sec. 10101 et seq.) for purposes of informing voters
28 of the upcoming election and promoting the toll-free voter
29 assistance hotline.

30 (X) At least two direct contacts with voters for purposes of
31 informing voters of the upcoming election and promoting the
32 toll-free voter assistance hotline. The two direct contacts are in
33 addition to any other required contacts including, but not limited
34 to, sample ballots and the delivery of vote by mail ballots.

35 (ii) A description of how a voter with disabilities may request
36 and receive a blank vote by mail ballot and, if a replacement ballot
37 is necessary, a blank replacement ballot that a voter with disabilities
38 can mark privately and independently.

- 1 (iii) A description of how the county elections official will
2 address significant disparities in voter accessibility and
3 participation identified in the report required by subdivision (g).
- 4 (iv) A description of the methods and standards that the county
5 elections official will use to ensure the security of voting conducted
6 at vote centers.
- 7 (v) Information about estimated short-term and long-term costs
8 and savings from conducting elections pursuant to this section as
9 compared to recent similar elections in the same jurisdiction that
10 were not conducted pursuant to this section.
- 11 (vi) To the extent available at the time of publication,
12 information on all of the following:
- 13 (I) The total number of vote centers to be established.
- 14 (II) The total number of ballot dropoff locations to be
15 established.
- 16 (III) The location of each vote center.
- 17 (IV) The location of each ballot dropoff location and whether
18 it is inside or outside.
- 19 (V) A map of the locations of each vote center and ballot dropoff
20 location.
- 21 (VI) The hours of operation for each vote center.
- 22 (VII) The hours of operation for each ballot dropoff location.
- 23 (VIII) The security and contingency plans that would be
24 implemented by the county elections official to do both of the
25 following:
- 26 (ia) Prevent a disruption of the vote center process.
- 27 (ib) Ensure that the election is properly conducted if a disruption
28 occurs.
- 29 (IX) The number of election board members and the number of
30 bilingual election board members and the languages spoken.
- 31 (X) The services provided to voters with disabilities, including,
32 but not limited to, the type and number of accessible voting
33 machines and reasonable modifications at each vote center.
- 34 (XI) The design, layout, and placement of equipment inside
35 each vote center that protects each voter's right to cast a private
36 and independent ballot.
- 37 (vii) A toll-free voter assistance hotline that is accessible to
38 voters who are deaf or hard of hearing, and that is maintained by
39 the county elections official that is operational no later than 29
40 days before the day of the election until 5 p.m. on the day after the

1 election. The toll-free voter assistance hotline shall provide
2 assistance to voters in all languages in which the county is required
3 to provide voting materials and assistance under paragraph (2) of
4 subdivision (a) of Section 2601 and subdivision (a) of Section
5 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec.
6 10101 et seq.).

7 (J) The plan for the administration of elections conducted
8 pursuant to this section is posted in a format that is accessible to
9 persons with disabilities on the internet website of the Secretary
10 of State and on the internet website of the county elections official.

11 (b) Notwithstanding Section 4000 or any other law, on or after
12 January 1, 2018, the Counties of Calaveras, Inyo, Madera, Napa,
13 Nevada, Orange, Sacramento, San Luis Obispo, San Mateo, Santa
14 Clara, Shasta, Sierra, Sutter, and Tuolumne, and on or after January
15 1, 2020, any county may conduct a special election as an all-mailed
16 ballot election under this section if all of the following apply:

17 (1) The county elections official has done either of the following:

18 (A) Previously conducted an election as an all-mailed ballot
19 election in accordance with subdivision (a).

20 (B) Adopted a final plan for the administration of elections
21 pursuant to clause (i) of subparagraph (E) of paragraph (10) of
22 subdivision (a), in which case the county elections official shall
23 complete all activities provided for in the voter education and
24 outreach plan that is required by clause (i) of subparagraph (I) of
25 paragraph (10) of subdivision (a) before the day of the special
26 election.

27 (2) (A) On the day of election, from 7 a.m. to 8 p.m., inclusive,
28 at least one vote center is provided for every 30,000 registered
29 voters. If the jurisdiction is not wholly contained within the county,
30 the county elections official shall make a reasonable effort to
31 establish a vote center within the jurisdiction where the special
32 election is held.

33 (B) Notwithstanding subparagraph (A), for a jurisdiction with
34 fewer than 30,000 registered voters, the county elections official
35 makes a reasonable effort to establish a vote center.

36 (3) (A) Not less than 10 days before the day of the election, for
37 a minimum of eight hours per day, at least one vote center is
38 provided for every 60,000 registered voters. If the jurisdiction is
39 not wholly contained within the county, the county elections

1 official shall make a reasonable effort to establish a vote center
2 within the jurisdiction where the special election is held.

3 (B) Notwithstanding subparagraph (A), for a jurisdiction with
4 fewer than 30,000 registered voters, the county elections official
5 makes a reasonable effort to establish a vote center.

6 (4) (A) At least one ballot dropoff location is provided for every
7 15,000 registered voters. At least one ballot dropoff location shall
8 be located within the jurisdiction where the special election is held.
9 All ballot dropoff locations shall be open at least during regular
10 business hours beginning not less than 28 days before the day of
11 the election, and on the day of the election.

12 (B) Notwithstanding subparagraph (A), for a jurisdiction with
13 fewer than 15,000 registered voters, at least one ballot dropoff
14 location shall be provided.

15 (c) Except as otherwise provided in this section, the election
16 day procedures shall be conducted in accordance with Division
17 14 (commencing with Section 14000).

18 (d) The county elections official may provide, at the official's
19 discretion, additional ballot dropoff locations and vote centers for
20 purposes of this section.

21 (e) The return of voted vote by mail ballots is subject to Sections
22 3017 and 3020.

23 (f) For the sole purpose of reporting the results of an election
24 conducted pursuant to this section, upon completion of the ballot
25 count, the county elections official shall divide the jurisdiction
26 into precincts pursuant to Article 2 (commencing with Section
27 12220) of Chapter 3 of Division 12 and shall prepare a statement
28 of the results of the election in accordance with Sections 15373
29 and 15374.

30 (g) (1) (A) Within six months of each election conducted
31 pursuant to this section or Section 4007, the Secretary of State
32 shall report to the Legislature, to the extent possible, all of the
33 following information by categories of race, ethnicity, language
34 preference, age, gender, disability, permanent vote by mail status,
35 historical polling place voters, political party affiliation, and
36 language minorities as it relates to the languages required under
37 Section 2601, subdivision (a) of Section 14201, and Section 203
38 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101
39 et seq.):

40 (i) Voter turnout.

- 1 (ii) Voter registration.
- 2 (iii) Ballot rejection rates.
- 3 (iv) Reasons for ballot rejection.
- 4 (v) Provisional ballot use.
- 5 (vi) Accessible vote by mail ballot use.
- 6 (vii) The number of votes cast at each vote center.
- 7 (viii) The number of ballots returned at ballot dropoff locations.
- 8 (ix) The number of ballots returned by mail.
- 9 (x) The number of persons who registered to vote at a vote
- 10 center.
- 11 (xi) Instances of voter fraud.
- 12 (xii) Any other problems that became known to the county
- 13 elections official or the Secretary of State during the election or
- 14 canvass.
- 15 (B) The report required by subparagraph (A) shall be posted on
- 16 the internet website of the Secretary of State in a format that is
- 17 accessible for people with disabilities pursuant to Section 11135
- 18 of the Government Code.
- 19 (C) The report required by subparagraph (A) shall be submitted
- 20 to the Legislature in compliance with Section 9795 of the
- 21 Government Code.
- 22 (D) If an election is conducted pursuant to this section, the
- 23 county shall submit, to the extent possible, to the Secretary of State
- 24 the information needed for the Secretary of State to prepare the
- 25 report required by subparagraph (A).
- 26 (E) The Secretary of State may contract with any qualified
- 27 person or organization for purposes of preparing the report required
- 28 by subparagraph (A).
- 29 (2) The county elections official shall post on the official's
- 30 internet website a report that compares the cost of elections
- 31 conducted pursuant to this section to the costs of previous elections.
- 32 The report shall be posted in a format that is accessible for people
- 33 with disabilities pursuant to Section 11135 of the Government
- 34 Code.
- 35 (h) The Secretary of State shall enforce the provisions of this
- 36 section pursuant to Section 12172.5 of the Government Code.
- 37 (i) For purposes of this section, "disability" has the same
- 38 meaning as defined in subdivisions (j), (m), and (n) of Section
- 39 12926 of the Government Code.

1 SEC. 11. Section 9054 of the Elections Code is amended to
2 read:

3 9054. (a) Whenever a city, county, or city and county is
4 required by Section 2601 or Section 203 (52 U.S.C. Sec. 10503)
5 or Section 4(f)(4) (52 U.S.C. Sec. 10303(f)(4)) of the federal
6 Voting Rights Act of 1965 to provide a translation of ballot
7 materials in a language other than English, the Secretary of State
8 shall provide a translation of the ballot title and summary prepared
9 pursuant to Sections 9050 and 9051 and of the ballot label prepared
10 pursuant to Section 13247 in that language to the city, county, or
11 city and county for each state measure submitted to the voters in
12 a statewide election not later than 68 days before that election.

13 (b) When preparing a translation in a language other than
14 English pursuant to subdivision (a), the Secretary of State shall
15 consult with an advisory body consisting of language experts and
16 nonpartisan organizations that advocate on behalf of, or provide
17 services to, individuals that speak that language.

18 (c) All translations prepared pursuant to this section shall be
19 made available for public examination in the same time and manner
20 as the state voter information guide is made available for public
21 examination in accordance with Section 88006 of the Government
22 Code and Section 9092 of this code.

23 (d) The local elections official shall use that translation of the
24 ballot label on the state voter information guide and the official
25 ballot and may not select or contract with another person to provide
26 translations of the same text.

27 SEC. 12. Section 12303 of the Elections Code is amended to
28 read:

29 12303. (a) A person who cannot read or write the English
30 language is not eligible to act as a member of any precinct board.

31 (b) It is the intent of the Legislature that non-English-speaking
32 citizens, like all other citizens, should be encouraged to vote.
33 Therefore, appropriate efforts should be made to minimize
34 obstacles to non-English-speaking citizens voting without
35 assistance.

36 (c) (1) In a county where a language is listed pursuant to
37 paragraph (2) of subdivision (a) of Section 2601, the elections
38 official shall make reasonable efforts to recruit election officials
39 who are fluent in a language used by citizens described in
40 subdivision (b) and in English. This recruitment shall be conducted

1 through the cooperation of interested citizens and organizations
2 and through voluntarily donated public service notices in the media,
3 including newspapers, radio, television, and the internet,
4 particularly those media that serve the non-English-speaking
5 citizens described in subdivision (b). The number of elections
6 officials who speak a language listed pursuant to paragraph (2) of
7 subdivision (a) of Section 2601 and their placement shall be
8 determined based on best available data regarding need and with
9 the cooperation of interested citizens.

10 (2) (A) Within 150 days following each statewide general
11 election, the county elections official shall report to the Secretary
12 of State the number of individuals recruited to serve as members
13 of precinct boards, including the number of individuals recruited
14 who are fluent in each language required to be represented under
15 Section 2601, Section 14201, and Section 203 of the federal Voting
16 Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.). The Secretary
17 of State shall issue uniform standard reporting guidelines.

18 (B) The Secretary of State shall post all county reports received
19 under subparagraph (A) on the Secretary of State's internet website
20 within 180 days following each statewide general election.

21 (3) At each polling place, a member of the precinct board shall
22 identify the languages spoken by the member, other than English,
23 by wearing a name tag, button, sticker, lanyard, or other
24 mechanism, as determined by the county elections official. The
25 text indicating the language skills of the member of the precinct
26 board shall be in the non-English language or languages spoken
27 by that member.

28 (d) At least 14 days before an election, the elections official
29 shall prepare and make available to the public a list of the voting
30 locations to which officials were appointed pursuant to this section,
31 including on the county elections official's internet website, and
32 the language or languages other than English in which they will
33 provide assistance.

34 SEC. 13. Section 13107 of the Elections Code is amended to
35 read:

36 13107. (a) With the exception of candidates for Justice of the
37 State Supreme Court or court of appeal, immediately under the
38 name of each candidate, and not separated from the name by any
39 line, unless the designation made by the candidate pursuant to
40 Section 8002.5 must be listed immediately below the name of the

1 candidate pursuant to Section 13105, and in that case immediately
2 under the designation, may appear at the option of the candidate
3 only one of the following designations:

4 (1) Words designating the elective city, county, district, state,
5 or federal office which the candidate holds at the time of filing the
6 nomination documents to which the candidate was elected by vote
7 of the people.

8 (2) The word “incumbent” if the candidate is a candidate for
9 the same office which the candidate holds at the time of filing the
10 nomination papers, and was elected to that office by a vote of the
11 people.

12 (3) No more than three words designating either the current
13 principal professions, vocations, or occupations of the candidate,
14 or the principal professions, vocations, or occupations of the
15 candidate during the calendar year immediately preceding the
16 filing of nomination documents.

17 (4) The phrase “appointed incumbent” if the candidate holds
18 an office by virtue of appointment, and the candidate is a candidate
19 for election to the same office, or, if the candidate is a candidate
20 for election to the same office or to some other office, the word
21 “appointed” and the title of the office. In either instance, the
22 candidate may not use the unmodified word “incumbent” or any
23 words designating the office unmodified by the word “appointed.”
24 However, the phrase “appointed incumbent” shall not be required
25 of a candidate who seeks reelection to an office which the candidate
26 holds and to which the candidate was appointed, as a nominated
27 candidate, in lieu of an election, pursuant to Sections 5326 and
28 5328 of the Education Code or Section 7228, 7423, 7673, 10229,
29 or 10515 of this code.

30 (b) (1) Except as specified in paragraph (2), for candidates for
31 judicial office, immediately under the name of each candidate, and
32 not separated from the name by any line, only one of the following
33 designations may appear at the option of the candidate:

34 (A) Words designating the city, county, district, state, or federal
35 office held by the candidate at the time of filing the nomination
36 documents.

37 (B) The word “incumbent” if the candidate is a candidate for
38 the same office that the candidate holds at the time of filing the
39 nomination papers.

1 (C) No more than three words designating either the current
2 principal professions, vocations, or occupations of the candidate,
3 or the principal professions, vocations, or occupations of the
4 candidate during the calendar year immediately preceding the
5 filing of nomination documents.

6 (2) For a candidate for judicial office who is an active member
7 of the State Bar employed by a city, county, district, state, or by
8 the United States, the designation shall appear as one of the
9 following:

10 (A) Words designating the actual job title, as defined by statute,
11 charter, or other governing instrument.

12 (B) One of the following ballot designations: “Attorney,”
13 “Attorney at Law,” “Lawyer,” or “Counselor at Law.” The
14 designations “Attorney” and “Lawyer” may be used in combination
15 with one other current principal profession, vocation, or occupation
16 of the candidate, or the principal profession, vocation, or
17 occupation of the candidate during the calendar year immediately
18 preceding the filing of nomination documents.

19 (3) A designation made pursuant to subparagraph (A) of
20 paragraph (1) or paragraph (2) shall also contain relevant qualifiers,
21 as follows:

22 (A) If the candidate is an official or employee of a city, the name
23 of the city shall appear preceded by the words “City of.”

24 (B) If the candidate is an official or employee of a county, the
25 name of the county shall appear preceded by the words “County
26 of.”

27 (C) If the candidate is an official or employee of a city and
28 county, the name of the city and county shall appear preceded by
29 the words “City and County.”

30 (D) If the candidate performs quasi-judicial functions for a
31 governmental agency, the full name of the agency shall be included.

32 (c) A candidate for superior court judge who is an active member
33 of the State Bar and practices law as one of the candidate’s
34 principal professions shall use one of the following ballot
35 designations as the candidate’s ballot designation: “Attorney,”
36 “Attorney at Law,” “Lawyer,” or “Counselor at Law.” The
37 designations “Attorney” and “Lawyer” may be used in combination
38 with one other current principal profession, vocation, or occupation
39 of the candidate, or the principal profession, vocation, or

1 occupation of the candidate during the calendar year immediately
2 preceding the filing of nomination documents.

3 (d) For purposes of this section, all California geographical
4 names shall be considered to be one word. Hyphenated words that
5 appear in any generally available standard reference dictionary,
6 published in the United States at any time within the 10 calendar
7 years immediately preceding the election for which the words are
8 counted, shall be considered as one word. Each part of all other
9 hyphenated words shall be counted as a separate word.

10 (e) The Secretary of State and any other elections official shall
11 not accept a designation of which any of the following would be
12 true:

13 (1) It would mislead the voter.

14 (2) It would suggest an evaluation of a candidate, such as
15 outstanding, leading, expert, virtuous, or eminent.

16 (3) It abbreviates the word “retired” or places it following any
17 word or words which it modifies.

18 (4) It uses a word or prefix, such as “former” or “ex-,” which
19 means a prior status. The only exception is the use of the word
20 “retired.”

21 (5) It uses the name of any political party, whether or not it has
22 qualified for the ballot.

23 (6) It uses a word or words referring to a racial, religious, or
24 ethnic group.

25 (7) It refers to any activity prohibited by law.

26 (f) If, upon checking the nomination documents and the ballot
27 designation worksheet described in Section 13107.3, the elections
28 official finds the designation to be in violation of any of the
29 restrictions set forth in this section, the elections official shall
30 notify the candidate by registered or certified mail return receipt
31 requested, addressed to the mailing address provided on the
32 candidate’s ballot designation worksheet.

33 (1) The candidate shall, within three days, excluding Saturday,
34 Sunday, and state holidays, from the date the candidate receives
35 notice by registered or certified mail, or from the date the candidate
36 receives actual notice of the violation, whichever occurs first,
37 appear before the elections official or, in the case of the Secretary
38 of State, notify the Secretary of State by telephone, and provide a
39 designation that complies with subdivision (a) or (b).

1 (2) If a candidate fails to provide a designation that complies
2 with subdivision (a) or (b) within the three-day period specified
3 in paragraph (1), a designation shall not appear after the candidate's
4 name.

5 (g) A designation given by a candidate shall not be changed by
6 the candidate after the final date for filing nomination documents,
7 except as specifically requested by the elections official as specified
8 in subdivision (f) or as provided in subdivision (h). The elections
9 official shall maintain a copy of the ballot designation worksheet
10 for each candidate that appears on the ballot in the county for the
11 same period of time as applied to nomination documents pursuant
12 to Section 17100.

13 (h) The designation shall remain the same for all purposes of
14 both primary and general elections, unless the candidate, at least
15 98 days before the general election, requests in writing a different
16 designation which the candidate is entitled to use at the time of
17 the request.

18 (i) In all cases, the words so used shall be printed in a manner
19 consistent with the space requirements of Sections 13207 and
20 13211.

21 (j) If a foreign language translation of a candidate's designation
22 is required under Section 2601 or the federal Voting Rights Act
23 of 1965 (52 U.S.C. Sec. 10101 et seq.), as amended, to appear on
24 the ballot in addition to the English language version, it shall be
25 as consistent as is practicable with this section.

26 SEC. 14. Section 13209 of the Elections Code is amended to
27 read:

28 13209. Whenever a foreign translation of the ballot is required
29 by Section 2601 or the federal Voting Rights Act of 1965, as
30 amended by Public Law 94-73, to appear on the ballot as well as
31 the English language version, the ballot, including a ballot
32 reference page or pages as specified in Section 301, may be so
33 designed as to place the foreign translation next to the voting target.

34 SEC. 15. Section 13211.7 of the Elections Code is amended
35 to read:

36 13211.7. (a) (1) In jurisdictions required to provide translated
37 ballot materials pursuant to Section 2601 or Section 203 of the
38 federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503), as those
39 sections may be amended from time to time, any ballot that
40 provides a translation of a candidate's name shall contain a

1 phonetic transliteration of the candidate's name, except as provided
2 in subdivision (b).

3 (2) This section applies to character-based languages, including,
4 but not limited to, Mandarin Chinese, ~~Cantonese~~, *Cantonese*
5 *Chinese*, Japanese, and Korean. For other languages, interested
6 citizens shall be consulted as to whether transliteration is
7 appropriate.

8 (3) If a candidate's name is to appear on the ballot in more than
9 one jurisdiction in an election, all of those jurisdictions required
10 to provide translated ballot materials pursuant to Section 2601 and
11 Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C.
12 Sec. 10503) shall use the same phonetic transliteration or
13 character-based translation of the name.

14 (4) (A) In a jurisdiction in which separate ballots containing
15 translations of the candidates' names are printed in different
16 languages, both the alphabet-based names and the translations of
17 the candidates' names, for candidates that have translated names,
18 shall appear on the translated ballot.

19 (B) If a jurisdiction is unable to comply with subparagraph (A)
20 due to limitations of its existing voting system, any new voting
21 system purchased by the jurisdiction after July 1, 2020, shall be
22 able to accommodate the requirements of subparagraph (A).

23 (b) If a candidate has a character-based name by birth, that can
24 be verified by birth certificate or other valid identification, the
25 candidate may use that name on the ballot instead of a phonetic
26 transliteration. A candidate who does not have a character-based
27 name by birth, but who identifies by a particular character-based
28 name and can demonstrate to the local elections official that the
29 candidate has been known and identified within the public sphere
30 by that name over the past two years, may use that name instead
31 of a phonetic transliteration.

32 SEC. 16. Section 13218 of the Elections Code is amended to
33 read:

34 13218. (a) The Secretary of State shall establish a ballot design
35 advisory committee to assist the Secretary of State to promulgate
36 regulations that prescribe ballot design and format.

37 (b) The ballot design advisory committee shall consist of the
38 Secretary of State, or the secretary's designee, and members to be
39 appointed by the Secretary of State who are recognized ballot
40 design experts and county elections officials or a designee of a

1 county elections official. Each recognized ballot design expert
2 shall have demonstrated experience with ballot design, language,
3 and accessibility requirements and knowledge of presenting
4 election materials to voters using plain language, multilingual, or
5 accessibility methods or another method that is easy for voters to
6 access and understand.

7 SEC. 17. Section 13261 of the Elections Code is amended to
8 read:

9 13261. (a) Each ballot card shall have two stubs attached. The
10 stubs shall be separated from the ballot card and from each other
11 by perforated lines so that they may be readily detached.

12 (b) (1) One stub shall have the serial ballot number printed on
13 it, and shall be detached from the remainder of the ballot before
14 it is handed to the voter.

15 (2) The second stub shall have printed on it all of the following:

16 (A) The same ballot serial number.

17 (B) The words “This ballot stub shall be removed and retained
18 by the voter.”

19 (C) The words “OFFICIAL BALLOT” in uppercase boldface
20 type no smaller than 12 point.

21 (D) In primary elections, the party name, e.g., “Democratic
22 Party,” or the words “Nonpartisan Ballot,” as applicable.

23 (E) The name of the county.

24 (F) The date of the election.

25 (G) Where not otherwise provided, instructions to the voter on
26 how to mark the ballot with the marking device, how to vote for
27 a candidate whose name is not printed on the ballot, and how to
28 secure an additional ballot card if the ballot card is spoiled or
29 marked erroneously.

30 (3) If the information listed in subparagraphs (A) to (G),
31 inclusive, of paragraph (2) must also appear in one or more
32 languages other than English under the provisions of Section 2601
33 or the federal Voting Rights Act of 1965 as extended by Public
34 Law 94-73, and there is insufficient room for all the information
35 to be set forth in all the required languages while at the same time
36 appearing in a type size sufficiently large to be readable, the official
37 in charge of the election may delete information set forth in
38 subparagraphs (E) and (F) of paragraph (2), in the order listed,
39 until there is sufficient room.

1 (c) In addition to the instructions to voters printed on the ballot
2 or ballot stub, there shall be displayed in each voting booth
3 instructions to voters substantially in the same form and wording
4 as appears on paper ballots.

5 Precinct numbers may also be placed on the ballot.

6 SEC. 18. Section 13307 of the Elections Code is amended to
7 read:

8 13307. (a) (1) Each candidate for nonpartisan elective office
9 in any local agency, including any city, county, city and county,
10 or district, may prepare a candidate's statement on an appropriate
11 form provided by the elections official. The statement may include
12 the name, age, and occupation of the candidate and a brief
13 description, of no more than 200 words, of the candidate's
14 education and qualifications expressed by the candidate. However,
15 the governing body of the local agency may authorize an increase
16 in the limitations on words for the statement from 200 to 400
17 words. The statement shall not include the party affiliation of the
18 candidate, nor membership or activity in partisan political
19 organizations.

20 (2) The statement authorized by this subdivision shall be filed
21 in the office of the elections official when the candidate's
22 nomination papers are returned for filing, if it is for a primary
23 election, or for an election for offices for which there is no primary.
24 The statement shall be filed in the office of the elections official
25 no later than the 88th day before the election, if it is for an election
26 for which nomination papers are not required to be filed. If a runoff
27 election or general election occurs within 88 days of the primary
28 or first election, the statement shall be filed with the elections
29 official by the third day following the governing body's declaration
30 of the results from the primary or first election.

31 (3) Except as provided in Section 13309, the statement may be
32 withdrawn, but not changed, during the period for filing nomination
33 papers and until 5 p.m. of the next working day after the close of
34 the nomination period.

35 (b) (1) The elections official shall send to each voter a county
36 voter information guide that contains the written statements of
37 each candidate that is prepared pursuant to subdivision (a). The
38 statement of each candidate shall be printed in type of uniform
39 size and darkness, and with uniform spacing.

1 (2) The elections official shall provide a ~~language~~ *Spanish*
2 translation to those candidates who wish to have one, *or other*
3 *language translation to those candidates who wish to have one* if
4 the county is covered for the language in question by Section 2601
5 ~~and or~~ Section 203 of the federal Voting Rights Act of 1965 (52
6 U.S.C. Sec. 10101 et seq.), and shall select a person to provide
7 that translation who is one of the following:

8 (A) A certified and registered interpreter on the Judicial Council
9 Master List.

10 (B) An interpreter categorized as “certified” or “professionally
11 qualified” by the Administrative Office of the United States Courts.

12 (C) From an institution accredited by a regional or national
13 accrediting agency recognized by the United States Secretary of
14 Education.

15 (D) A current voting member in good standing of the American
16 Translators Association.

17 (E) A current member in good standing of the American
18 Association of Language Specialists.

19 (c) (1) In addition to the statement prepared pursuant to
20 subdivision (a), if the elections official who is conducting the
21 election permits electronic distribution of a candidate’s statement,
22 the governing body of a local agency may permit each candidate
23 for nonpartisan elective office in the local agency to prepare a
24 candidate’s statement for the purpose of electronic distribution
25 pursuant to this subdivision.

26 (2) A statement prepared pursuant to this subdivision shall be
27 posted on the internet website of the elections official, and may
28 be included in a voter’s pamphlet that is electronically distributed
29 by the elections official pursuant to Section 13300.7, but shall not
30 be included in a voter’s pamphlet that is printed and mailed to
31 voters pursuant to subdivision (b).

32 (3) A statement that is printed in the voter’s pamphlet and mailed
33 to voters pursuant to subdivision (b) shall be included with the
34 statement that is prepared and electronically distributed pursuant
35 to this subdivision.

36 (4) A statement that is prepared and electronically distributed
37 pursuant to this subdivision shall be displayed in type of uniform
38 size and darkness, and with uniform spacing.

39 (5) The elections official shall provide a ~~language~~ *Spanish*
40 translation to those candidates who wish to have one, *or other*

1 *language translation to those candidates who wish to have one if*
2 *the county is covered for the language in question by Section 2601,*
3 *or Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C.*
4 *Sec. 10101 et seq.), and shall select a person to provide that*
5 *translation who is one of the persons listed in paragraph (2) of*
6 *subdivision (b).*

7 (d) The local agency may estimate the total cost of printing,
8 handling, translating, mailing, and electronically distributing
9 candidate's statements filed pursuant to this section, including
10 costs incurred as a result of complying with Section 2601, Section
11 14201, and the federal Voting Rights Act of 1965, as amended.
12 The local agency may require each candidate filing a statement to
13 pay in advance to the local agency the candidate's estimated pro
14 rata share as a condition of having the candidate's statement
15 included in the county voter information guide or electronically
16 distributed. In the event the estimated payment is required, the
17 receipt for the payment shall include a written notice that the
18 estimate is just an approximation of the actual cost that varies from
19 one election to another election and may be significantly more or
20 less than the estimate, depending on the actual number of
21 candidates filing statements. Accordingly, the local agency is not
22 bound by the estimate and may, on a pro rata basis, bill the
23 candidate for additional actual expense or refund any excess paid
24 depending on the final actual cost. In the event of underpayment,
25 the local agency may require the candidate to pay the balance of
26 the cost incurred. In the event of overpayment, the local agency
27 that, or the elections official who, collected the estimated cost shall
28 prorate the excess amount among the candidates and refund the
29 excess amount paid within 30 days of the election.

30 (e) This section shall not be deemed to make any statement, or
31 the authors of any statement, free or exempt from any civil or
32 criminal action or penalty because of any false, slanderous, or
33 libelous statements offered for printing electronic distribution
34 pursuant to this section or contained in the county voter information
35 guide.

36 (f) Before the nominating period opens, the local agency for
37 that election shall determine whether a charge shall be levied
38 against that candidate for the candidate's statement sent to each
39 voter and, if authorized pursuant to subdivision (c), for the
40 electronically distributed candidate's statement. This decision shall

1 not be revoked or modified after the seventh day before the opening
2 of the nominating period. A written statement of the regulations
3 with respect to charges for handling, packaging, mailing, and
4 electronic distribution shall be provided to each candidate or the
5 candidate's representative, at the time the candidate picks up the
6 nomination papers.

7 (g) For purposes of this section and Section 13310, the board
8 of supervisors is the governing body of judicial elections.

9 SEC. 19. Section 13400 of the Elections Code is amended to
10 read:

11 13400. (a) A vote by mail voter may request that a facsimile
12 copy of their ballot in the language of their preference be sent to
13 them by regular mail or electronic mail if the voter lives in a county
14 or precinct that requires a facsimile copy of the ballot in that
15 language pursuant to Section 14201. The county elections officer
16 shall provide instructions to vote by mail voters in the county voter
17 information guide and on the county elections internet website on
18 how to request a facsimile copy of a ballot, in all languages that
19 the county is required to provide facsimile copies of ballots. A
20 vote by mail voter may request a facsimile copy of a ballot by
21 telephone, mail, online, or when requesting a vote by mail ballot
22 from the county no later than seven days before election day.

23 (b) The county elections official shall prepare the requested
24 facsimile copies described in subdivision (a) no later than 10 days
25 before election day. Requests received by the county elections
26 official 10 days or more before election day shall be processed by
27 the 10th day prior to election day.

28 (c) This section does not limit an elections official from
29 distributing facsimile copies of the ballot more widely than as
30 required by subdivision (a) or earlier than required by subdivision

31 (b).

32 SEC. 20. Section 14105.3 of the Elections Code is amended
33 to read:

34 14105.3. (a) The federal Help America Vote Act of 2002 (52
35 U.S.C. Sec. 20901 et seq.) requires voting information to be
36 publicly posted at each polling place for each election for federal
37 office. Voting information is defined as including general
38 information on voting rights under applicable federal and state
39 laws, including information on the right of an individual to cast a
40 provisional ballot and instructions on how to contact the

1 appropriate officials if these rights are alleged to have been
2 violated.

3 (b) The Secretary of State shall print posters and other
4 appropriate materials setting forth the voter rights listed in Section
5 2300. The posters shall be printed in as many languages as the
6 Secretary of State determines are necessary, but, at a minimum,
7 in sufficient languages to comply with Section 2601, Section
8 14201, and with the federal Voting Rights Act of 1965 (52 U.S.C.
9 Sec. 10301 et seq.). The Secretary of State shall distribute the
10 posters and materials to all county elections officials sufficiently
11 in advance of statewide elections.

12 SEC. 21. Section 14111 of the Elections Code is amended to
13 read:

14 14111. Translations of the ballot measures and ballot
15 instructions, as required by Section 2601 and Section 14201, shall
16 be provided by a person selected by the elections official who is
17 one of the following:

18 (a) A certified and registered interpreter on the Judicial Council
19 Master List.

20 (b) An interpreter categorized as “certified” or “professionally
21 qualified” by the Administrative Office of the United States Courts.

22 (c) From an institution accredited by a regional or national
23 accrediting agency recognized by the United States Secretary of
24 Education.

25 (d) A current voting member in good standing of the American
26 Translators Association.

27 (e) A current member in good standing of the American
28 Association of Language Specialists.

29 (f) A language speaker with equivalent qualifications.

30 SEC. 22. Section 14200 of the Elections Code is amended to
31 read:

32 14200. A member of each precinct board shall cause the
33 following voting information to be publicly posted at each polling
34 place:

35 (a) A sample version of the ballot that will be used for the
36 election.

37 (b) Information regarding the date of the election and the hours
38 during which polling places will be open.

39 (c) Instructions on how to vote, including how to cast a vote
40 and how to cast a provisional ballot.

1 (d) Instructions for mail-in registrants and first-time voters under
2 Section 303(b) of the federal Help America Vote Act of 2002 (52
3 U.S.C. Sec. 20901 et seq.).

4 (e) General information on voting rights under applicable federal
5 and state laws, including information on the right of an individual
6 to cast a provisional ballot and instructions on how to contact the
7 appropriate officials if these rights are alleged to have been
8 violated.

9 (f) General information on federal and state laws regarding
10 prohibitions on acts of fraud and misrepresentation as they pertain
11 to elections.

12 (g) Information regarding the languages other than English in
13 which members of the precinct board can assist voters. The
14 information shall be provided in all of the languages other than
15 English spoken by the members.

16 (h) Information regarding the availability of a language hotline
17 and a list of the available languages pursuant to Section 2601.

18 SEC. 23. Section 14201 of the Elections Code is amended to
19 read:

20 14201. (a) In counties and precincts where the Secretary of
21 State has determined that it is appropriate, the county elections
22 official shall provide facsimile copies of the ballot, as described
23 in subdivision (b), with the ballot measures and ballot instructions
24 printed in Spanish, one of which shall be posted in a conspicuous
25 location in the polling place and at least one of which shall be
26 made available for voters at the polling place to use as a reference
27 when casting a private ballot. Facsimile ballots shall also be printed
28 in other languages and provided in the same manner if a significant
29 and substantial need is found by the Secretary of State. A facsimile
30 copy of the ballot available for voters to use in casting a private
31 ballot shall be sufficiently distinct in appearance from a regular
32 ballot to prevent voters from attempting to vote on the facsimile
33 copy.

34 (b) The Secretary of State’s County Clerk/Registrar of Voters
35 Memorandum #22039, dated March 1, 2022, is deemed to be the
36 Secretary of State’s finding and determination as to where it is
37 appropriate to provide facsimile copies of the ballot with the ballot
38 measures and ballot instructions in Spanish and other languages
39 and shall remain in effect until December 31, 2029.

1 (c) (1) In polling places where facsimile copies of the ballot
2 are necessary, members of the precinct boards shall be trained on
3 the purpose and proper handling of the facsimile copies of the
4 ballot and shall be prepared to inform voters of the existence of
5 the facsimile copies of the ballot, as appropriate.

6 (2) If a voter requests a facsimile copy of a ballot that is
7 available in the voter's language of preference pursuant to
8 subdivision (a), a member of the precinct board shall provide the
9 facsimile copy of the ballot to the voter.

10 (3) In polling places where facsimile copies of the ballot are
11 necessary, a sign near the roster shall inform voters of the existence
12 of the facsimile copies of the ballot. The sign shall be in English
13 and in the language or languages of the facsimile copies available
14 in that polling place.

15 (d) At least 14 days before an election, the county elections
16 official shall provide information on the county elections internet
17 website identifying all polling places in the county and the
18 languages of facsimile copies of the ballot that will be available
19 to voters at each polling place. Explanatory information pertaining
20 to the list of polling places, but not the list itself, shall be available
21 in all languages in which the county provides facsimile copies of
22 the ballot.

23 (e) The county elections official shall include text in the county
24 voter information guide that refers voters with language needs to
25 the portion of the county elections internet website containing the
26 information specified in subdivision (d). The text shall be in all
27 languages in which the county provides facsimile copies of the
28 ballot.

29 (f) (1) A county elections official shall not be required to
30 provide facsimile copies of the ballot in a particular language if
31 the county elections official is required to provide translated ballots
32 in that language pursuant to Section 2601 or Section 203 of the
33 federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

34 (2) In a polling place where a county elections official is
35 required pursuant to subdivision (a) to provide a facsimile copy
36 of the ballot in a language other than English, the county elections
37 official may instead provide voters with a ballot translated into
38 that language. A county elections official who provides and
39 publicizes translated ballots in the same manner as translated
40 ballots provided and publicized pursuant to Section 2601 or Section

1 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101
2 et seq.), in lieu of providing facsimile copies of the ballot in any
3 language required under subdivision (a), need not comply with
4 subdivisions (c), (d), and (e) as pertaining to that language.

5 (g) It is the intent of the Legislature that non-English-speaking
6 citizens, like all other citizens, should be encouraged to vote.
7 Therefore, appropriate efforts should be made on a statewide basis
8 to minimize obstacles to voting by citizens who lack sufficient
9 skill in English to vote without assistance.

10 (h) This section shall remain in effect only until December 31,
11 2029, and as of that date is repealed, unless a later enacted statute
12 that is enacted before January 1, 2030, deletes or extends that date.

13 SEC. 24. Section 14219 of the Elections Code is amended to
14 read:

15 14219. The precinct board shall provide, upon request, to a
16 voter for use in the voting booth or compartment, a copy of the
17 facsimile ballot containing ballot measures and instructions printed
18 in Spanish or in other languages, as required by Section 14201,
19 unless county voter information guides and ballots for voting are
20 already being provided in that language under Section 2601 or the
21 federal Voting Rights Act of 1965, as amended by Public Law
22 94-73.

23 SEC. 25. Section 19101 of the Elections Code is amended to
24 read:

25 19101. (a) The Secretary of State shall adopt and publish
26 voting system standards and regulations governing the use of voting
27 systems. The Secretary of State shall adopt standards that meet or
28 exceed federal voluntary voting system guidelines set forth by the
29 United States Election Assistance Commission or its successor
30 agency. Until state standards are adopted, the Voluntary Voting
31 System Guidelines Draft Version 1.1, as submitted to the United
32 States Election Assistance Commission on August 31, 2012, shall
33 be used as state standards to the extent that they do not conflict
34 with this code. The Secretary of State may require additional testing
35 to ensure that voting systems meet the requirements of this code.

36 (b) Voting system standards adopted by the Secretary of State
37 pursuant to subdivision (a) shall include, but not be limited to, all
38 of the following requirements:

39 (1) The machine or device and its software shall be suitable for
40 the purpose for which it is intended.

- 1 (2) The system shall preserve the secrecy of the ballot.
- 2 (3) The system shall be safe from fraud or manipulation.
- 3 (4) The system shall be accessible to voters with disabilities
- 4 pursuant to Section 19242 and applicable federal laws.
- 5 (5) The system shall be accessible to voters who require
- 6 assistance in a language other than English if the language is one
- 7 in which a ballot or ballot materials are required to be made
- 8 available to voters pursuant to Section 2601, Section 14201, and
- 9 applicable federal laws.
- 10 SEC. 26. If the Commission on State Mandates determines
- 11 that this act contains costs mandated by the state, reimbursement
- 12 to local agencies and school districts for those costs shall be made
- 13 pursuant to Part 7 (commencing with Section 17500) of Division
- 14 4 of Title 2 of the Government Code.

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1637

Introduced by Assembly Member Irwin

February 17, 2023

~~An act relating to information security.~~ *An act to add Section 50034 to the Government Code, relating to local government.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1637, as amended, Irwin. ~~Local governments: information security.~~ *Local government: internet websites and email addresses.*

(1) The California Constitution authorizes cities and counties to make and enforce within their limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws, and further authorizes cities organized under a charter to make and enforce all ordinances and regulations in respect to municipal affairs, which supersede inconsistent general laws.

The California Public Records Act requires a local agency to make public records available for inspection and allows a local agency to comply by posting the record on its internet website and directing a member of the public to the internet website, as specified.

This bill, no later than January 1, 2025, would require a local agency, as defined, that maintains an internet website for use by the public to ensure that the internet website utilizes a “.gov” top-level domain or a “.ca.gov” second-level domain, and would require a local agency that maintains an internet website that is noncompliant with that requirement to redirect that internet website to a domain name that does utilize a “.gov” or “.ca.gov” domain. This bill, no later than January 1, 2025, would also require a local agency that maintains

public email addresses to ensure that each email address provided to its employees utilizes a “.gov” domain name or a “.ca.gov” domain name. By adding to the duties of local officials, the bill would impose a state-mandated local program.

(2) The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

(3) 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 no reimbursement is required by this act for a specified reason.

Existing law, the Information Practices Act of 1977, requires an agency that owns or licenses computerized data that includes personal information, as defined, to disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of California, as prescribed. The act defines “agency” to not include a local agency, as specified.

This bill would express the intent of the Legislature to enact legislation that would relate to the security of information maintained by local governments and special districts.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The Cybersecurity and Infrastructure Security Agency
- 4 (CISA), within the Department of Homeland Security, sponsors
- 5 the “.gov” top-level domain and makes it available solely to United
- 6 States-based government organizations and publicly controlled
- 7 entities, including California’s local agencies.
- 8 (b) California’s local agencies qualify for a “.gov” domain
- 9 without paying any fee.
- 10 (c) Using “.gov” increases security by enforcing multifactor
- 11 authentication on all accounts in the “.gov” registrar, requiring
- 12 browsers to only use a Hypertext Transfer Protocol Secure
- 13 (HTTPS) connection with “.gov” domains, and enabling the

1 addition of a security contact, making it easier for the public to
2 alert the agency about potential security issues with the agency's
3 online services.

4 (d) The Government Operations Agency oversees the ".ca.gov"
5 domain name program, and the Department of Technology
6 manages the registration, change, and renewal process for
7 ".ca.gov" domains. Agencies are not required to pay any fee for
8 a ".ca.gov" domain.

9 (e) To administer the ".ca.gov" second-level domain, the
10 Department of Technology has established policies and protocols
11 consistent with federal policy including, but not limited to, the
12 federal Interagency Committee on Government Information's
13 Recommended Policies and Guidelines for Federal Public Websites
14 and the federal .gov Registrar administered by CISA.

15 (f) Users of websites or other internet services with a ".ca.gov"
16 domain can be assured they are accessing an official California
17 governmental resource.

18 SEC. 2. Section 50034 is added to the Government Code, to
19 read:

20 50034. (a) (1) No later than January 1, 2025, a local agency
21 that maintains an internet website for use by the public shall ensure
22 that the internet website utilizes a ".gov" top-level domain or a
23 ".ca.gov" second-level domain.

24 (2) If local agency that is subject to paragraph (1) maintains
25 an internet website for use by the public that is noncompliant with
26 paragraph (1) by January 1, 2025, that local agency shall redirect
27 that internet website to a domain name that does comply with
28 paragraph (1).

29 (b) No later than January 1, 2025, a local agency that maintains
30 public email addresses for its employees shall ensure that each
31 email address provided to its employees utilizes a ".gov" domain
32 name or a ".ca.gov" domain name.

33 (c) For purposes of this section, "local agency" has the same
34 meaning as that term is defined in Section 54951.

35 SEC. 3. The Legislature finds and declares that Section 2 of
36 this act adding Section 50034 to the Government Code addresses
37 a matter of statewide concern and is not a municipal affair as that
38 term is used in Section 5 of Article XI of the California
39 Constitution. Therefore, Section 1 of this act adding Section 50034

1 to the Government Code applies to all cities, including charter
2 cities.

3 SEC. 4. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 a local agency or school district has the authority to levy service
6 charges, fees, or assessments sufficient to pay for the program or
7 level of service mandated by this act, within the meaning of Section
8 17556 of the Government Code.

9 ~~SECTION 1. It is the intent of the Legislature to enact~~
10 ~~legislation that would relate to the security of information~~
11 ~~maintained by local governments and special districts.~~

Introduced by Senator WilkFebruary 14, 2023

An act to amend Section 15372 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 518, as introduced, Wilk. Elections: certification of results.

Existing law requires the canvass of an election to commence no later than the Thursday following the election and shall be continued daily, Saturdays, Sundays, and holidays excepted, for not less than 6 hours each day until completed. Existing law requires the elections official to prepare a certified statement of the results of the election and submit that certified statement to the governing body within 30 days of the election, except as specified.

This bill would instead require the elections official to submit the certified statement of the results of the election on the 30th calendar day following the election. By increasing the duties of local elections officials relative to the days on which they would be required to certify election results, the 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 15372 of the Elections Code is amended
2 to read:

3 15372. (a) ~~The~~ *Notwithstanding Section 15301, the elections*
4 *official shall prepare a certified statement of the results of the*
5 *election and submit it to the governing body* ~~within 30 days of~~ *on*
6 *the 30th calendar day following the election or, in election. In the*
7 *case of school district, community college district, county board*
8 *of education, or special district elections conducted on the first*
9 *Tuesday after the first Monday in November of odd-numbered*
10 *years, the elections official shall prepare and submit the certified*
11 *statement of the results of the election to the governing body no*
12 *later than the last Monday before the last Friday of that month.*

13 (b) The elections official shall post the certified statement of
14 the results of the election on ~~his or her Internet Web site~~ *the*
15 *official's internet website* in a downloadable spreadsheet format
16 that may include, but is not limited to, a comma-separated values
17 file or a tab-separated values file and that is compatible with a
18 spreadsheet software application that is widely used at the time of
19 the posting. The certified statement of the election results shall be
20 posted and maintained on the elections official's ~~Internet Web site~~
21 *internet website* for a period of at least 10 years following the
22 election. This subdivision shall apply only to an elections official
23 who uses a computer system that has the capability of producing
24 the election results in a downloadable spreadsheet format without
25 requiring modification of the computer system.

26 SEC. 2. If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.