ASSEMBLY BILL   No. 44

Introduced by Assembly Member Mullin

December 1, 2014

An act to amend Section 15626 of, and to add Article 5 (commencing with Section 15645) to Chapter 9 of Division 15 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 44, as introduced, Mullin. Elections: statewide recounts.

Existing law establishes procedures by which a voter may request a recount of the votes cast in an election following completion of the official canvass. Under existing law, the voter seeking the recount is required, before the recount is commenced and at the beginning of each subsequent day, to deposit with the elections official the amount of money required by the elections official to cover the cost of the recount for that day.

This bill would require the Secretary of State to order an automatic manual recount of all votes cast for a statewide office, the office of President of the United States, or a state ballot measure if the difference in the number of votes received is less than or equal to 0.1%, as specified. By imposing new duties on local elections officials, this bill would impose a state-mandated local program.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

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 15626 of the Elections Code is amended
2 to read:
3   15626. The recount shall be commenced not more than seven
4 days following the receipt by the elections official of the request
5 *or order* for the recount under Section ~~15620~~ *15620, 15621,* or
6 ~~15621,~~ *15645* and shall be continued daily, Saturdays, Sundays,
7 and holidays excepted, for not less than six hours each day until
8 completed. The recount shall not be commenced until the first day
9 following notification of the individuals specified in Section 15628.
10   SEC. 2. Article 5 (commencing with Section 15645) is added
11 to Chapter 9 of Division 15 of the Elections Code, to read:
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13   Article 5. Automatic Recounts
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15   15645. (a) (1) Within five days after the Secretary of State
16 files a statement of the vote, as required by subdivision (b) of
17 Section 15501, the Secretary of State shall order an automatic
18 manual recount of all votes cast for a statewide office or state ballot
19 measure if any of the following occurs:
20   (A) The official canvass of returns in a statewide primary
21 election shows that the difference in the number of votes received
22 by the second and third place candidates for a statewide office is
23 less than or equal to one-tenth of 1 percent of the number of all
24 votes cast for both candidates, except as provided in paragraph
25 (2).
26   (B) The official canvass of returns in a statewide general election
27 shows that the difference in the number of votes received by the
28 two candidates receiving the greatest number of votes for a
29 statewide office is less than or equal to one-tenth of 1 percent of
30 the number of all votes cast for both candidates.
31   (C) The official canvass of returns in a statewide election shows
32 that the difference in the number of votes cast for and against a

1 state ballot measure is less than or equal to one-tenth of 1 percent
2 of the number of all votes cast on the measure.
3   (2) The Secretary of State shall not order an automatic manual
4 recount of all votes cast for the office of Superintendent of Public
5 Instruction if the official canvass of returns in a statewide primary
6 election shows that a candidate received a majority of all votes
7 cast.
8   (3) For purposes of this subdivision, "statewide office" means
9 the office of Governor, Lieutenant Governor, Attorney General,
10 Controller, Insurance Commissioner, Secretary of State,
11 Superintendent of Public Instruction, Treasurer, or Member of the
12 United States Senate.
13   (b) Within five days after the Secretary of State files a statement
14 of the vote, as required by subdivision (b) of Section 15501, the
15 Secretary of State shall order an automatic manual recount of all
16 votes cast for the office of President of the United States if either
17 of the following occurs:
18   (1) The official canvass of returns in a statewide presidential
19 primary election for a political party that received the greatest or
20 second-greatest number of votes in that presidential primary
21 election shows that the difference in the number of votes received
22 by the first and second place candidates for the nomination of that
23 party for the office of President is less than or equal to one-tenth
24 of 1 percent of the number of all votes cast for both candidates.
25   (2) The official canvass of returns in a statewide general election
26 shows that the difference in the number of votes received by the
27 two candidates receiving the greatest number of votes for the office
28 of President is less than or equal to one-tenth of 1 percent of the
29 number of all votes cast for both candidates.
30   (c) It is the intent of the Legislature to fully reimburse counties
31 for costs resulting from conducting an automatic manual recount
32 required by this section in an expeditious manner upon certification
33 of those costs. A candidate shall not be charged for an automatic
34 manual recount required by this section.
35   15646. Upon ordering a recount pursuant to subdivision (a) or
36 (b) of Section 15645, the Secretary of State shall notify the
37 elections official of each county and shall direct the county
38 elections officials to recount all the votes cast for the office or for
39 and against the state ballot measure. The elections official in each

1 county shall commence the recount within seven days of receiving
2 notice under this section.
3   15647. All the provisions of Article 3 (commencing with
4 Section 15620), except Sections 15620, 15621, 15622, 15623,
5 15624, and 15627, shall apply to this article unless otherwise
6 provided herein.
7   15648. The Secretary of State may adopt, amend, and repeal
8 rules and regulations necessary for the administration of this article.
9   SEC. 3. If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.

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