

(Without Reference to File)

SENATE THIRD READING

SB 152 (Committee on Budget and Fiscal Review)

As Amended June 23, 2021

Majority vote. Budget Bill Appropriation Takes Effect Immediately

SUMMARY

This is the elections trailer bill and contains the necessary changes related to the 2021 Budget Act. The bill makes changes to the certification process for recall elections, clarifies how the 2021 gubernatorial recall election will be held and provides an appropriation to the Secretary of State to support the costs of the 2021 gubernatorial recall election..

This bill clarifies requirements for counties conducting a regular elections before January 1, 2022. The bill further authorizes local government entities that previously called a special election to consolidate that election with a gubernatorial recall election as specified.

Major Provisions

- 1) Allows the Secretary of State to certify the sufficiency of signatures for a recall election before the Joint Legislative Budget Committee has 30 days to review and comment on the cost estimate provided by the Department of Finance if the Legislature has appropriated funds it determines are reasonably necessary to conduct the recall election and has designated funds for that purpose in the Budget Act or other statute.
- 2) Appropriates \$35 million from the General Fund to the Secretary of State to support statewide and county costs of the 2021 gubernatorial recall election.
- 3) Requires the 2021 gubernatorial recall election to be held as a regular election.
- 4) Declares that provisions relating to all-mailed ballot special elections and changing or altering election precincts do not apply to the 2021 gubernatorial recall election.
- 5) Authorizes a county that has previously conducted an all-mailed ballot election to conduct an all-mailed ballot election prior to January 1, 2022 if it provides:
 - a) At least one vote center for every 30,000 registered voters on the day of the election and the three days preceding the election, and
 - b) At least one vote center for every 60,000 registered voters, beginning 10 days before the election and continuing up to the 4th day before the election.
- 6) Authorizes a county that has not previously conducted an all-mailed ballot election to conduct an all-mailed ballot election using procedures substantially similar to those in effect for the November 3, 2020, statewide general election.
- 7) Requires counties to conduct a voter education and outreach campaign, notifying voters about mail ballots, early voting opportunities, voting options and where to remedy any voting problems.

- 8) Requires the Secretary of State to establish a process for granting partial waivers from number, location or operational duration of polling places and ballot drop-off locations.
- 9) Authorizes counties to start processing vote by mail ballots on the 29th day before an election
- 10) Deems a vote by mail ballot as being timely cast if postmarked or date stamped on or before election day and received by the voter's election official no later than 7 days after election day.
- 11) Authorizes local government entities that previously called a special local election to consolidate that election with a gubernatorial recall election as specified.
- 12) Specifies the intent of the Legislature to reevaluate the amount of the appropriation to the Secretary of State and other appropriations made to support the costs of the 2021 gubernatorial recall election.

COMMENTS

This bill is a budget trailer bill within the overall 2021-22 budget package to clarify the process for a recall election, by ensuring that if the Legislature provides funds reasonably necessary to hold the election, the required cost review process can be waived. Additionally, this bill provides county requirements for regular elections held before January 1, 2022 and permits consolidation of special elections called by local government entities with any such regular election.

Further, this allows the Secretary of State to certify the sufficiency of signatures in support of a gubernatorial recall election before the Joint Legislative Budget Committee has had 30 days to review, if the Legislature has appropriated funds for that election.

According to the Author

This bill provides important statutory clarification to the recall election certification process.

Arguments in Support

None on file.

Arguments in Opposition

None on file.

FISCAL COMMENTS

This bill allocates \$35 million from the General Fund to the Secretary of State to support statewide and county costs related to administering the 2021 gubernatorial recall election.

VOTES

SENATE FLOOR: 29-8-2

YES: Allen, Archuleta, Atkins, Becker, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hertzberg, Hueso, Hurtado, Laird, Leyva, McGuire, Min, Newman, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener

NO: Bates, Dahle, Grove, Jones, Melendez, Nielsen, Ochoa Bogh, Wilk

ABS, ABST OR NV: Borgeas, Limón

UPDATED

VERSION: June 23, 2021

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FN: 0000923