

AMENDED IN SENATE JULY 1, 2021
AMENDED IN SENATE JUNE 22, 2021
AMENDED IN ASSEMBLY APRIL 21, 2021
AMENDED IN ASSEMBLY MARCH 17, 2021
CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 759

Introduced by Assembly Member McCarty
(Coauthor: Senator Newman)

February 16, 2021

An act to amend, repeal, and add Section 1300 of the Elections Code, and to amend, repeal, and add Section 24200 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 759, as amended, McCarty. Elections: county officers.

The California Constitution requires the Legislature to provide for an elected county sheriff, elected district attorney, and elected assessor in each county. Existing law also provides that the county treasurer, clerk, auditor, tax collector, recorder, public administrator, and coroner are elective offices unless a county makes them appointive offices, as specified. Existing law generally requires the election to select county officers to be held with the statewide primary election at which candidates for Governor are nominated, but if no candidate for a county office receives a majority of the votes cast for that office at the primary election, the 2 candidates who received the most votes advance to the statewide general election at which the Governor is elected.

This bill would ~~instead~~ require the election to select ~~county officers~~ *district attorney and sheriff* to be held with the presidential primary and would require, if no candidate receives a majority of the votes cast for the office at the presidential primary, the 2 candidates who received the most votes to advance to a general election held with the presidential general election. *The bill would authorize a county board of supervisors to adopt an ordinance to also hold the election for other county officers with the presidential primary.* The bill would make these provisions operative on January 1, 2023. To the extent changing the date for election of ~~county officers~~ *district attorney and sheriff* would impose additional 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 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 1300 of the Elections Code is amended
- 2 to read:
- 3 1300. (a) Except as otherwise provided in the Government
- 4 Code, an election to select county officers shall be held with the
- 5 statewide primary at which candidates for Governor are nominated.
- 6 In the event that county officers are not elected pursuant to Sections
- 7 8140 and 8141, this election shall be deemed a primary election
- 8 and a county general election shall be held with the statewide
- 9 general election to select county officers.
- 10 (b) This section shall remain in effect only until January 1, 2023,
- 11 and as of that date is repealed.
- 12 SEC. 2. Section 1300 is added to the Elections Code, to read:
- 13 ~~1300. (a) (1) Except as otherwise provided in the Government~~
- 14 ~~Code, an election to select county officers shall be held with the~~
- 15 ~~presidential primary.~~

1 ~~(2) If county officers are not elected pursuant to Sections 8140~~
2 ~~and 8141, the election described in paragraph (1) shall be deemed~~
3 ~~a primary election and a county general election shall be held with~~
4 ~~the presidential general election to select county officers.~~

5 *1300. (a) (1) An election to select a district attorney or sheriff*
6 *shall be held with the presidential primary.*

7 *(2) If the district attorney or sheriff is not elected pursuant to*
8 *Sections 8140 and 8141, the election described in paragraph (1)*
9 *shall be deemed a primary election and a county general election*
10 *shall be held with the presidential general election to select the*
11 *district attorney or sheriff.*

12 *(b) (1) Except as provided in paragraph (2), an election to*
13 *select any of the elective county officers specified in Section 24009*
14 *of the Government Code other than district attorney or sheriff*
15 *shall be held with the statewide primary at which candidates for*
16 *Governor are nominated.*

17 *(2) Notwithstanding paragraph (1), a county board of*
18 *supervisors may adopt an ordinance to hold the election for county*
19 *officers described in this subdivision with the presidential primary.*

20 *(3) If a county officer described in this subdivision is not elected*
21 *pursuant to Sections 8140 and 8141, the election held pursuant to*
22 *paragraph (1) or (2) shall be deemed a primary election and a*
23 *county general election for the office shall be held with the*
24 *following statewide general election.*

25 ~~(b)~~

26 *(c) Notwithstanding subdivision (b) of Section 1003 or any*
27 *other law, the requirement that ~~county officers~~ district attorney or*
28 *sheriff be elected in presidential election years applies to both*
29 *general law and charter counties.*

30 ~~(e)~~

31 *(d) For a ~~county officer~~ district attorney or sheriff elected in*
32 *2022, a county, including a charter county, may by ordinance*
33 *provide for a two-year term, in which case the next election for*
34 *that office would occur at the 2024 presidential primary, or a*
35 *six-year term, in which case the next election for that office would*
36 *occur at the 2028 presidential primary.*

37 ~~(d)~~

38 *(e) This section shall become operative on January 1, 2023.*

39 SEC. 3. Section 24200 of the Government Code is amended
40 to read:

1 24200. (a) Except as otherwise provided, all elective county
2 officers shall be elected at the general election at which the
3 Governor is elected, and take office at 12 o'clock noon on the first
4 Monday after the January 1 succeeding their election.

5 (b) This section shall remain in effect only until January 1, 2023,
6 and as of that date is repealed.

7 SEC. 4. Section 24200 is added to the Government Code, to
8 read:

9 24200. (a) Except as otherwise provided, all elective county
10 officers shall be elected at the ~~presidential~~ general election *specified*
11 *pursuant to Section 1300 of the Elections Code* and take office at
12 12 o'clock noon on the first Monday after the January 1 succeeding
13 their election.

14 (b) This section shall become operative on January 1, 2023.

15 SEC. 5. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.