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COMMISSION ON STATE MANDATES
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562
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COMMISSION ON STATE MANDATES
Claim No. <i>01-TC-13</i>

TEST CLAIM FORM

Local Agency or School District Submitting Claim

County of Orange

Contact Person	Telephone No.
Allan P. Burdick/Pamela A. Stone (MAXIMUS, INC.)	(916) 485-8102
	Fax (916) 485-0111

Address

4320 Auburn Blvd., Suite 2000
Sacramento, CA 95841

Representative Organization to be Notified

California State Association of Counties

This test claim alleges the existence of a reimbursable state mandated program within the meaning of section 17514 of the Government Code and section 6, article XIII B of the California Constitution. This test claim is filed pursuant to section 17551(a) of the Government Code.

Identify specific section(s) of the chaptered bill or executive order alleged to contain a mandate, including the particular statutory code section(s) within the chaptered bill, if applicable.

Chapter 898, Statutes of 2000

IMPORTANT: PLEASE SEE INSTRUCTIONS AND FILING REQUIREMENTS FOR COMPLETING A TEST CLAIM ON THE REVERSE SIDE.

Name and Title of Authorized Representative	Telephone No.
Rosalyn Lever, Registrar of Voters	(714) 567-7620

Signature of Authorized Representative	Date
<i>Rosalyn Lever</i>	<i>April 8, 2002</i>

**BEFORE THE
COMMISSION ON STATE MANDATES**

Test Claim of:
County of Orange

Modified Primary Election

Chapter 898, Statutes of 2000

STATEMENT OF THE CLAIM

A. MANDATE SUMMARY

With the passage of Chapter 898, Statutes of 2000 (S.B. 28), the Legislature, in response to the United States Supreme Court decision in *California Democratic Party v. Jones* (2000) 530 U.S. 567, 120 S.Ct. 2402, eliminated the blanket primary which had been found to be unconstitutional, and again changed the method for holding primary elections.

In 1996, the voters approved Proposition 198, which was the "blanket primary", wherein one person could vote for the primary candidate of his or her choice, regardless of the political affiliation of the voter. As this was declared unconstitutional, the legislature amended and modified the preexisting primary system.

As presently constituted by the test claim legislation, those persons who have declared a party affiliation can vote only for candidates of his or her party. Those individuals who have not declared a party affiliation may vote the ballot of a political party, if the rules of that party allow for undeclared voters to vote for its candidates in a California primary.

This legislation also changed the information that is to be printed on an application for an absentee ballot, allowing those who are not affiliated with a given political party to request an absentee ballot for a given political party, if that party's rule, authorized by the Secretary of State, allows that non-affiliated person to vote in a given party's primary.

Additionally, this legislation authorizes the county elections official to separate the nonpartisan offices and measures from the partisan ones, should the ballot be too large to handle. In that event, two ballots are to be sent out: a nonpartisan ballot, together with a partisan ballot.

Additionally, should the voter who is not affiliated with a political party vote at a polling place, that person is to be given a nonpartisan ballot unless he or she requests a ballot of a given political party which has adopted a rule allowing nonaffiliated persons to vote in

that party's primary election. If so, the voter will be given a primary partisan ballot for that political party, in addition to the nonpartisan ballot. Otherwise, that voter will only be given the nonpartisan ballot.

B. LEGISLATIVE HISTORY PRIOR TO 1975

There was no requirement prior to 1975, nor in any of the intervening years, until the passage of Chapter 898, Statutes of 2000, filed on September 29, 2000, to mandate the allowance of those who are not affiliated with a political party to be able to vote in the primary of a given political party, if that party allows same by a duly adopted rule.

C. SPECIFIC STATUTORY SECTIONS THAT CONTAIN THE MANDATED ACTIVITIES

The specific sections which contain the mandated activities are Elections Code, Sections 2001, 2151, 13102, 13203, 13230, 13300, 13301, and 13302.

D. COST ESTIMATES

The activities necessary to comply with the mandated activities cost in excess of \$200.00 per year.

First of all, in order to implement this legislation it is necessary to have planning meetings in order to obtain information from the Secretary of State as to which political parties allow voters who have not designated their political party to vote in primary elections of given political parties. Next, it is incumbent to have meetings within the elections department in order to ascertain what activities are necessary to implement the legislation.

As a result of the legislation, new internal procedures must be developed to comply with the mandate legislation, and the sample ballot must be redesigned and published. It is also necessary to redesign the absentee voter application, and republication of same. Also, to accommodate the new primary election, the election software must be redesigned and implemented.

Because of the fact that those voters who are not affiliated with a party can obtain, in certain circumstances, ballots from a given political party, additional trained poll workers will be needed. Also, since all absentee voter requests will have to be hand processed in order to ascertain if absentee voters are not affiliated with a party but request a partisan primary ballot, additional staff will be needed to process the absentee voter requests.

Elections departments have different personnel needs than other local government departments. Given the extreme fluctuations in work load, most elections departments hire a large number of temporary employees for the purpose of staffing elections. As this personnel pool changes from year to year, it is incumbent upon the elections department to adequately train these individuals. Even if the temporary personnel pool remains the

same from year to year, the individuals must be trained in the new developments. In order to train in the most expeditious fashion possible, Orange County has developed a training program, wherein it trains its permanent employees to train those who are hired on a temporary basis. In order to accommodate the new legislation, the trainers must be retrained, the training program and manuals must be changed, as well as other materials necessary to have an efficient and well conducted election.

Because of the changes in the law, and based on prior experience, the elections department believes that a press release is necessary, in order to inform the public, and in particular those who are not affiliated with a party, of the change in the primary election. Any change will result in more telephone calls and inquiries from voters and the media, to which the elections department must give an appropriate response. Additionally, the sample ballot and absentee voter education materials must be updated to reflect the change in the legislation.

Because of the changes in sample ballot pamphlets required by this legislation, there will be an increase in sample ballot pamphlets due to the increase in sample ballot types. There will also be an increased number of ballots themselves, as well as additional mailing costs for permanent and declared absentee voters.

E. REIMBURSABLE COSTS MANDATED BY THE STATE

The costs incurred by the County of Orange as a result of the statutes included in the test claim are all reimbursable costs as such costs are "costs mandated by the State" under Article XIII B (6) of the California Constitution, and Section 17500 *et seq.* of the Government Code. Section 17514 of the Government Code defines "costs mandated by the state", and specifies the following three requirements:

1. There are "increased costs which a local agency is required to incur after July 1, 1980."
2. The costs are incurred "as a result of any statute enacted on or after January 1, 1975."
3. The costs are the result of "a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

All three of the above requirements for funding costs mandated by the State are met as described previously herein.

F. MANDATE MEETS BOTH SUPREME COURT TESTS

The mandate created by these three statutes clearly meets both tests that the Supreme Court in the *County of Los Angeles v. State of California* (1987) created for determining what constitutes a reimbursable state mandated local program. Those two tests, which

the Commission on State Mandates relies upon to determine if a reimbursable mandate exists, are the “unique to government” and the “carry out a state policy” tests. Their application to this test claim is discussed below.

Mandate Is Unique to Local Government

Only local government conducts elections for local, state and federal offices. There are no private entities which conduct elections for local or statewide election. Thus, the mandate is unique to government.

Mandate Carries Out a State Policy

The qualification of voters and the conduct of elections is a matter of state policy. With this legislation, the state has instituted a policy of a modified primary election, wherein those voters who are not affiliated with a political party may, in some circumstances, vote in the primary of an established party.

STATE FUNDING DISCLAIMERS ARE NOT APPLICABLE

There are seven disclaimers specified in Government Code, Section 17556 which could serve to bar recovery of “costs mandated by the State”, as defined in Government Code, Section 17556. None of the seven disclaimers apply to this test claim:

1. The claim is submitted by a local agency or school district which requests legislative authority for that local agency or school district to implement the Program specified in the statutes, and that statute imposes costs upon the local agency or school district requesting the legislative authority.
2. The statute or executive order affirmed for the State that which had been declared existing law or regulation by action of the courts.
3. The statute or executive order implemented a federal law or regulation and resulted in costs mandated by the federal government, unless the statute or executive order mandates costs which exceed the mandate in that federal law or regulation.
4. The local agency or school district has the authority to levy service charges, fees or assessments sufficient to pay for the mandated program or increased level of service.
5. The statute or executive order provides for offsetting savings to local agencies or school districts which result in no net costs to the local agencies or school districts, or includes additional revenue that was specifically intended to fund the costs of the State mandate in an amount sufficient to fund the cost of the State mandate.

6. The statute or executive order imposed duties which were expressly included in a ballot measure approved by the voters in a Statewide election.
7. The statute created a new crime or infraction, eliminated a crime or infraction, or changed the penalty for a crime or infraction, but only for that portion of the statute relating directly to the enforcement of the crime or infraction.

None of the above disclaimers have any application to the County of Orange's test claim.

CONCLUSION

Chapter 898, Statutes of 2000 imposed a new state mandated program and cost on the County of Orange, by modifying the primary election to allow those voters, whether they vote in person or through absentee ballot, to vote in the primary of a given political party if that party so allows. The mandated program meets all of the criteria and tests for the Commission on State Mandates to find a reimbursable state mandated program. None of the so-called disclaimers or other statutory or constitutional provisions that would relieve the State from its constitutional obligation to provide reimbursement have any application to this claim.

G. CLAIM REQUIREMENTS

The following elements of this test claim are provided pursuant to Section 1183, Title 2, of the California Code of Regulations:

Exhibit 1: Chapter 898, Statutes of 2000

CLAIM CERTIFICATION

The foregoing facts are known to me personally and if so required, I could and would testify to the statements made herein. I declare under penalty of perjury under the laws of the State of California that the statements made in this document are true and complete to the best of my personal knowledge and as to all matters, I believe them to be true.

Executed this 8th day of April, 2002, at Santa Ana, California, by:



Rosalyn Lever
Registrar of Voters

DECLARATION OF ROSALYN LEVER

I, Rosalyn Lever, make the following declaration under oath:

I am the Registrar of Voters for the County of Orange.

I declare that I have examined the County's State mandated duties and resulting costs, in implementing the subject law, and find that such costs are, in my opinion, "costs mandated by the State", as defined in Government Code, Section 17514:

"Costs mandated by the State' means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

I am personally conversant with the foregoing facts, and if so required, I could and would testify to the statements made herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to the matters which are stated upon information or belief, and as to those matters, I believe them to be true.

Executed this 8th day of April, 2002 at Santa Ana, California.



Rosalyn Lever
Registrar of Voters

Senate Bill No. 28

CHAPTER 898

An act to amend Section 3006, to repeal Section 2001 of, and to repeal and add Sections 2151, 13102, 13203, 13206, 13230, 13300, 13301, and 13302 of, the Elections Code, relating to primary elections.

[Approved by Governor September 28, 2000. Filed
with Secretary of State September 29, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 28, Peace. Primary elections.

(1) Existing law governing partisan primary elections, until 1996, provided for what is commonly known as a "closed" partisan primary, in which only persons who are registered members of a political party may vote the ballot of that political party. Those provisions were amended by the adoption of Proposition 198, an initiative statute approved by the voters at the March 26, 1996, direct primary election. The amendments made by Proposition 198 changed the primary system to what is known as a "blanket" primary, in which all registered voters may vote for any candidate for each public office, regardless of political affiliation and without a declaration of political faith or allegiance.

On June 26, 2000, the United States Supreme Court in *California Democratic Party v. Jones*, ruled that the state's "blanket" primary system established by Proposition 198 is unconstitutional because it violates a political party's First Amendment right of association.

This bill would repeal the amendments made by Proposition 198, and would reenact provisions similar to those in effect prior to 1996 providing for a "closed" partisan primary, but authorizing persons who decline to state a party affiliation to vote the ballot of a political party if authorized by the rules of that party, duly noticed to the Secretary of State, as provided. This bill would make certain conforming changes.

(2) Existing law requires specified information on a printed application that is distributed to voters for requesting an absent voter ballot.

This bill would further require the application to inform the voter that if he or she is not affiliated with a political party, the voter may request an absentee ballot for a particular political party for the primary election, if that political party has adopted a party rule, duly noticed by the Secretary of State, authorizing that vote. The bill would require the application to contain a check-off box allowing the voter to make that request.

This bill would impose a state-mandated local program by imposing new duties on local elections officials in implementing its provisions.

(3) The bill would incorporate additional provisions to Section 13300 of the Elections Code to take effect if this bill and AB 1094 are both enacted and become effective on or before January 1, 2001, and this bill is enacted last.

(4) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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.

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

SECTION 1. Section 2001 of the Elections Code is repealed.

SEC. 2. Section 2151 of the Elections Code, as added by Chapter 920 of the Statutes of 1994, is repealed.

SEC. 3. Section 2151 of the Elections Code, as amended by Proposition 198 at the March 26, 1996, direct primary election, is repealed.

SEC. 4. Section 2151 is added to the Elections Code, to read:

2151. At the time of registering and of transferring registration, each elector may declare the name of the political party with which he or she intends to affiliate at the ensuing primary election. The name of that political party shall be stated in the affidavit of registration and the index.

The voter registration card shall inform the affiant that any elector may decline to state a political affiliation, but no person shall be entitled to vote the ballot of any political party at any primary election unless he or she has stated the name of the party with which he or she intends to affiliate or unless he or she has declined to state a party affiliation and the political party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to state a party affiliation to vote the ballot of that political party. The voter registration card shall include a listing of all qualified political parties.

No person shall be permitted to vote the ballot of any party or for any delegates to the convention of any party other than the party designated in his or her registration, except as provided by Section 2152 or unless he or she has declined to state a party affiliation and

the party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to state a party affiliation to vote the party ballot or for delegates to the party convention.

SEC. 5. Section 3006 of the Elections Code is amended to read:

3006. (a) Any printed application that is to be distributed to voters for requesting absent voter ballots shall contain spaces for the following:

(1) The printed name and residence address of the voter as it appears on the affidavit of registration.

(2) The address to which the ballot is to be mailed.

(3) The voter's signature.

(4) The name and date of the election for which the request is to be made.

(5) The date the application must be received by the elections official.

(b) (1) The information required by paragraphs (1), (4), and (5) of subdivision (a) may be preprinted on the application. The information required by paragraphs (2) and (3) of subdivision (a) shall be personally affixed by the voter.

(2) An address, as required by paragraph (2) of subdivision (a), may not be the address of any political party, a political campaign headquarters, or a candidate's residence. However, a candidate, his or her spouse, immediate family members, and any other voter who shares the same residence address as the candidate may request that an absentee ballot be mailed to the candidate's residence address.

(3) Any application which contains preprinted information shall contain a conspicuously printed statement, as follows: "You have the legal right to mail or deliver this application directly to the local elections official of the county where you reside."

(c) The application shall inform the voter that if he or she is not affiliated with a political party, the voter may request an absentee ballot for a particular political party for the primary election, if that political party has adopted a party rule, duly noticed to the Secretary of State, authorizing that vote. The application shall contain a phone number that the voter may call to inquire which political parties have adopted such a rule. The application shall contain a check-off box with a conspicuously printed statement that reads, as follows: "I am not presently affiliated with any political party. However, for the primary election only, I request an absentee ballot for the _____ Party." The name of the political party shall be personally affixed by the voter.

(d) The application shall provide the voters with information concerning the procedure for establishing permanent absentee voter status, and the basis upon which permanent absentee voter status is claimed.

(e) The application shall be attested to by the voter as to the truth and correctness of its content, and shall be signed under penalty of perjury.

SEC. 6. Section 13102 of the Elections Code, as added by Chapter 920 of the Statutes of 1994, is repealed.

SEC. 7. Section 13102 of the Elections Code, as amended by Proposition 198 at the March 26, 1996, direct primary election, is repealed.

SEC. 8. Section 13102 is added to the Elections Code, to read:

13102. (a) All voting shall be by ballot. There shall be provided, at each polling place, at each election at which public officers are to be voted for, but one form of ballot for all candidates for public office, except that, for partisan primary elections, one form of ballot shall be provided for each qualified political party as well as one form of nonpartisan ballot, in accordance with subdivision (b).

(b) At partisan primary elections, each voter not registered as intending to affiliate with any one of the political parties participating in the election shall be furnished only a nonpartisan ballot, unless he or she requests a ballot of a political party and that political party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to state a party affiliation to vote the ballot of that political party. The nonpartisan ballot shall contain only the names of all candidates for nonpartisan offices and measures to be voted for at the primary election. Each voter registered as intending to affiliate with a political party participating in the election shall be furnished only a ballot of the political party with which he or she is registered and the nonpartisan ballot, both of which shall be printed together as one ballot in the form prescribed by Section 13207.

(c) A political party may adopt a party rule in accordance with subdivision (b) that authorizes a person who has declined to state a party affiliation to vote the ballot of that political party at the next ensuing partisan primary election. The political party shall notify the party chairman immediately upon adoption of that party rule. The party chairman shall provide written notice of the adoption of that rule to the Secretary of State not later than the 60th day prior to the partisan primary election at which the vote is authorized.

SEC. 9. Section 13203 of the Elections Code, as added by Chapter 920 of the Statutes of 1994, is repealed.

SEC. 10. Section 13203 of the Elections Code, as amended by Proposition 198 at the March 26, 1996, direct primary election, is repealed.

SEC. 11. Section 13203 is added to the Elections Code, to read:

13203. Across the top of the ballot shall be printed in heavy-faced gothic capital type not smaller than 30-point, the words "OFFICIAL BALLOT." However, if the ballot is no wider than a single column, the words "OFFICIAL BALLOT" may be as small as 24-point.

Beneath this heading, in the case of a partisan primary election, shall be printed in 18-point boldface gothic capital type the official party designation or the words "NONPARTISAN BALLOT" as applicable. Beneath the heading line or lines, there shall be printed, in boldface type as large as the width of the ballot makes possible, the number of the congressional, Senate, and Assembly district, the name of the county in which the ballot is to be voted, and the date of the election.

SEC. 12. Section 13206 of the Elections Code, as added by Chapter 920 of the Statutes of 1994, is repealed.

SEC. 13. Section 13206 of the Elections Code, as amended by Proposition 198 at the March 26, 1996, direct primary election, is repealed.

SEC. 14. Section 13206 is added to the Elections Code, to read:

13206. (a) On the partisan ballot used in a direct primary election, immediately below the instructions to voters, there shall be a box one-half inch high enclosed by a heavy-ruled line the same as the borderline. This box shall be as long as there are columns for the partisan ballot and shall be set directly above these columns. Within the box shall be printed in 24-point boldface gothic capital type the words "Partisan Offices."

(b) The same style of box described in subdivision (a) shall also appear over the columns of the nonpartisan part of the ballot and within the box in the same style and point size of type shall be printed "Nonpartisan Offices."

SEC. 15. Section 13230 of the Elections Code, as added by Chapter 920 of the Statutes of 1994, is repealed.

SEC. 16. Section 13230 of the Elections Code, as amended by Proposition 198 at the March 26, 1996, direct primary election, is repealed.

SEC. 17. Section 13230 is added to the Elections Code, to read:

13230. (a) If the county elections official determines that, due to the number of candidates and measures that must be printed on the ballot, the ballot will be larger than may be conveniently handled, the county elections official may provide that a nonpartisan ballot shall be given to each partisan voter, together with his or her partisan ballot, and that the material appearing under the heading "Nonpartisan Offices" on partisan ballots, as well as the heading itself, shall be omitted from the partisan ballots.

(b) If the county elections official so provides, the procedure prescribed for the handling and canvassing of ballots shall be modified to the extent necessary to permit the use of two ballots by partisan voters. The county elections official may, in this case, order the second ballot to be printed on paper of a different tint, and assign to those ballots numbers higher than those assigned to the ballots containing partisan offices.

(c) "Partisan voters," for purposes of this section, includes persons who have declined to state a party affiliation, but who have chosen



to vote the ballot of a political party as authorized by that party's rules duly noticed to the Secretary of State.

SEC. 18. Section 13300 of the Elections Code, as added by Chapter 920 of the Statutes of 1994, is repealed.

SEC. 19. Section 13300 of the Elections Code, as amended by Proposition 198 at the March 26, 1996, direct primary election, is repealed.

SEC. 20. Section 13300 is added to the Elections Code, to read:

13300. (a) By at least 29 days before the primary, each county elections official shall prepare separate sample ballots for each political party and a separate sample nonpartisan ballot, placing thereon in each case in the order provided in Chapter 2 (commencing with Section 13100), and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him or her or have been certified to him or her by the Secretary of State to be voted for in his or her county at the primary election.

(b) The sample ballot shall be identical to the official ballots, except as otherwise provided by law. The sample ballots shall be printed on paper of a different texture from the paper to be used for the official ballot.

(c) One sample ballot of the party to which the voter belongs, as evidenced by his or her registration, shall be mailed to each voter entitled to vote at the primary not more than 40 nor less than 10 days before the election. A nonpartisan sample ballot shall be so mailed to each voter who is not registered as intending to affiliate with any of the parties participating in the primary election, provided that on election day any such person may, upon request, vote the ballot of a political party if authorized by the party's rules, duly noticed to the Secretary of State.

SEC. 20.5. Section 13300 is added to the Elections Code, to read:

(a) By at least 29 days before the primary, each county elections official shall prepare separate sample ballots for each political party and a separate sample nonpartisan ballot, placing thereon in each case in the order provided in Chapter 2 (commencing with Section 13100), and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him or her or have been certified to him or her by the Secretary of State to be voted for in his or her county at the primary election.

(b) The sample ballot shall be identical to the official ballots, except as otherwise provided by law. The sample ballots shall be printed on paper of a different texture from the paper to be used for the official ballot.

(c) One sample ballot of the party to which the voter belongs, as evidenced by his or her registration, shall be mailed to each voter entitled to vote at the primary who registered at least 29 days prior to the election not more than 40 nor less than 10 days before the

election. A nonpartisan sample ballot shall be so mailed to each voter who is not registered as intending to affiliate with any of the parties participating in the primary election, provided that on election day any such person may, upon request, vote the ballot of a political party if authorized by the party's rules, duly noticed to the Secretary of State.

SEC. 21. Section 13301 of the Elections Code, as added by Chapter 920 of the Statutes of 1994, is repealed.

SEC. 22. Section 13301 of the Elections Code, as amended by Proposition 198 at the March 26, 1996, direct primary election, is repealed.

SEC. 23. Section 13301 is added to the Elections Code, to read:

13301. (a) At the time the county elections official prepares sample ballots for the presidential primary, he or she shall also prepare a list with the name of candidates for delegates for each political party. The names of the candidates for delegates of any political party shall be arranged upon the list of candidates for delegates of that party in parallel columns under their preference for President. The order of groups on the list shall be alphabetical according to the names of the persons they prefer to appear upon the ballot. Each column shall be headed in boldface 10-point, gothic type as follows: "The following delegates are pledged to _____." (The blank being filled in with the name of that candidate for presidential nominee for whom the members of the group have expressed a preference.) The names of the candidates for delegates shall be printed in eight-point, roman capital type.

(b) Copies of the list of candidates for delegates of each party shall be submitted by the county elections official to the chairperson of the county central committee of that party, and the county elections official shall post a copy of each list in a conspicuous place in his or her office.

SEC. 24. Section 13302 of the Elections Code, as added by Chapter 920 of the Statutes of 1994, is repealed.

SEC. 25. Section 13302 of the Elections Code, as amended by Proposition 198 at the March 26, 1996, direct primary election, is repealed.

SEC. 26. Section 13302 is added to the Elections Code, to read:

13302. The county elections official shall forthwith submit the sample ballot of each political party to the chairperson of the county central committee of that party, and shall mail a copy to each candidate for whom nomination papers have been filed in his or her office or whose name has been certified to him or her by the Secretary of State, to the post office address as given in the nomination paper or certification. The county elections official shall post a copy of each sample ballot in a conspicuous place in his or her office.

SEC. 27. It is the intent of the Legislature that special elections to fill vacancies in legislative and congressional offices continue to be conducted pursuant to Chapter 1 (commencing with Section 10700) of Part 6 of Division 10 of the Elections Code.

SEC. 28. Section 20.5 of this bill incorporates provisions in Section 13300 of the Elections Code, as proposed to be added by both this bill and Assembly Bill 1094. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2001, (2) each bill adds Section 13300 to the Elections Code, and (3) this bill is enacted after AB 1094, in which case Section 20 of this bill shall not become operative.

SEC. 29. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.