



ASSEMBLY MEMBER

**Kevin Mullin**

DISTRICT 22

**AB 2194: California Recount Reform**



## **PURPOSE**

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Assembly Bill 2194 (AB 2194) would improve the state's recount law by created an automatic recount process in very close elections. The current system is pay-to-play and relies on candidates selecting which counties to recount. They can continue the recount process as long as they have the funds to do so.

## **BACKGROUND & PROBLEM**

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The recently initiated recount in the primary race for State Controller was the result of a 481 vote difference between second and third place candidates. Under current law, former Assembly Speaker John Perez had every right to pursue a recount. However, the current recount process is not a "full" recount and must be paid for and initiated by a candidate or voter, making it a fundamentally inequitable process. There is no doubt the existing recount process is critically flawed.

While election system errors are relatively rare in California, it is possible for outcomes in narrow races to change after a full recount. Current law allows a candidate to specify the counties they want to recount and if they make up the vote difference in those specified counties, then their opponent can take a turn in selecting counties in an effort to recover the lost votes. This inefficient back and forth could continue until every vote is counted, or a candidate runs out of money. It also raises the question of fairness: Should the person with the deepest pockets be able to "out-recount" his opponent?

The obvious answer is "no." In statewide elections, where millions of ballots are cast, the state should be responsible for ensuring the accuracy of the vote, not a candidate or voter. Above all, our system of governance demands

that the election process is fair and transparent for all voters and candidates.

According to the chair of the Statistics Department at UC Berkeley, the difference between the two candidates was well within a margin that could be attributed to typical errors that take place in California elections. This concern is shared by FairVote, a national voting rights think tank that has produced statistics on recounts. They found an average margin swing of 0.027% of the vote in statewide elections after recounts. This is above the 0.016% margin in the Perez-Yee contest. The fact is, had the recount continued, the outcome could very well have changed, but we will never know.

## **SOLUTION**

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AB 2194 will require the Secretary of State to order a full manual recount of the votes cast for any ballot measure or statewide office if the margin of victory is one-tenth of one percent (0.1%) or less. If AB 2194 passes, it will be law for the November election, and will sunset next July. By then, we hope to have more comprehensive recount reform legislation in place for future elections, including the 2016 presidential election.

## **SUPPORT**

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California Secretary of State

## **COAUTHOR**

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Senator Alex Padilla

## **STAFF CONTACT**

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