



ASSEMBLY MEMBER

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DISTRICT 22



AB 44: California Recount Reform Bill

PURPOSE

Assembly Bill 44 (AB 44) would improve the state's recount law by creating a state-funded recount process in very close elections. The current system is pay-to-play and relies on candidates selecting which counties to recount. Candidates can continue the recount process as long as they have the funds to do so, which could result in a time consuming process.

BACKGROUND & PROBLEM

In the June 2014 primary, former Assembly Speaker John Perez trailed Board of Equalization Member Betty Yee by only 481 votes out of roughly four million cast. This very narrow margin prompted Speaker Perez to request a recount, which current law permits. When he did so, deep flaws in California's existing recount process were revealed: it allows statewide results to be overturned by a partial recount and it favors candidates who can afford to pay for it. In addition, the recount can occur one precinct or county at a time, so it could drag on indefinitely.

While election system errors are rare, it is possible for outcomes in narrow races to change after a full recount. The 481 vote difference between the two candidates was within a margin that could be attributed to typical errors. FairVote, a national voting rights think tank that has produced statistics on recounts, found an average margin swing of 0.027 percent of the vote in statewide elections after recounts. In the Perez-Yee race, this would equate to roughly 500 votes, so the 481 vote difference could have resulted from ballot-processing errors, but we will never know.

AB 44 creates a more equitable elections process by authorizing a state-funded option for recounts, available at or below a threshold of 1,000 votes or 0.015 percent, whichever is smaller, at the

discretion of the Governor. When this option is utilized, the state will fund a full hand recount of all ballots cast, while also re-examining any rejected ballots. When the state-funded threshold is not met, the bill permits candidates to fund their own statewide recounts, reimbursing them if the original results are overturned. Ensuring accurate election outcomes should be a priority for the state, and by creating a state-funded option for very close contests, AB 44 accomplishes this important goal.

According to the California Research Bureau, the last time this threshold was met, prior to the Perez-Yee controller's race, was 1915.

SOLUTION

AB 44 creates an option for a state-funded recount in very close statewide election contests, at the discretion of the Governor. The margin for a state-funded recount is 0.015 percent or 1000 votes, whichever is smaller.

SUPPORT

California Assn. of Clerks and Elections Officials
Secretary of State, Alex Padilla
FairVote
Santa Clara County
Wellstone Democratic Renewal Club
VerifiedVoting.org
Voting Rights Task Force
Los Angeles County Democratic Party

STAFF CONTACT

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