November 2, 2026

Hon. Rob Bonta
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

Attention: Ms. Anabel Renteria
Initiative Coordinator

Dear Attorney General Bonta:

Pursuant to Elections Code Section 9005, we have reviewed a proposed initiative related to voting for voter-nominated offices (A.G. File No. 26-0006, Amendment #2).

Background

Elections Administration. County elections officials administer most elections in California, including printing and mailing ballots and counting votes. The Secretary of State oversees elections statewide, certifies voting systems, and sets uniform vote-counting standards.

Certification of Voting Systems. In the administration of elections, counties use voting systems—the equipment and software used by voters to mark ballots and by counties to count ballots. Counties may use only voting systems the Secretary of State has certified. Any change to a certified system's hardware or software requires the Secretary of State's approval, either administratively, if the change does not affect the system's accuracy, or through full recertification.

Top-Two Primary for Voter-Nominated Offices. Proposition 14 (2010) established a top-two primary for most state and federal elective offices. These offices, called voter-nominated offices, include most statewide officers (such as the Governor), the State Board of Equalization, the Legislature, and the U.S. Congress. All candidates appear on a single primary ballot, and the two with the most votes advance to the general election, regardless of party.

Voters Choose One Candidate. Under current law, voters may vote for only one candidate for each voter-nominated office. The ballot tells voters to "vote for one" in these contests. If a voter marks more candidates than allowed for an office (an "overvote"), none of the voter's votes for that office are counted.

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Special Elections to Fill Vacancies. When a seat in the Legislature or U.S. House of Representatives becomes vacant, the Governor generally must call a special election to fill it. If one candidate receives a majority of the votes in the special primary election, that candidate wins the seat. If no candidate receives a majority, the top two advance to a special general election. In recent years, a special general election has been needed more often than not. Counties pay to administer these elections, although the state has sometimes reimbursed them.

Recall Elections. Voters may remove a state elected official through a recall election. The recall ballot also lists candidates to replace the official, and voters may vote for one replacement candidate. If a majority of voters favor removal, the replacement candidate with the most votes takes office.

Proposal

Voters May Vote for Multiple Candidates in Certain Elections. This measure would allow voters to vote for as many candidates as they wish for voter-nominated offices in primary, special, and recall elections. This method is sometimes called approval voting. In each of these contests, the ballot would tell voters to "vote for one or more." In the case of vacancies in the Legislature or the U.S. House of Representatives, the office would be filled in a single special election won by the candidate with the most votes, so special general elections would no longer be held. If candidates tied for the most votes, a runoff would be held among them. The measure would not change how voters vote in regularly scheduled general elections or in contests for other offices.

Requires Secretary of State Implementation. The measure would direct the Secretary of State to update state regulations to conform to the measure and develop educational materials, which county elections officials would distribute to voters. Any changes to voting systems needed to implement the measure would be subject to existing voting system certification law.

Implementation Timing. The measure would apply to primary, special, and recall elections for voter-nominated offices held on or after June 1, 2030.

Fiscal Effects

One-Time Implementation Costs. The state and counties would have one-time costs to implement the measure, such as reconfiguring and testing voting systems, updating ballots and translated materials, training staff, and educating voters. These costs would depend largely on the extent of changes needed to existing voting systems. Substantial changes could require significant vendor development and testing, as well as recertification by the Secretary of State. If existing systems can be adapted with minor changes, we estimate these costs likely would total millions of dollars. If more substantial changes or recertification are needed, costs could exceed $10 million statewide.

Savings From Eliminating Special General Elections. Under the measure, counties would hold one special election to fill a vacancy rather than, in some cases, two (a second election would be needed only in the rare event of a tie). Savings would occur only when, under current law, no candidate would have won a majority in the special primary election and a special general election would have been required. The amount of the savings would depend on the

office and whether these elections would have been consolidated with other elections. To the extent that the state would have reimbursed counties for the cost of these special general elections, some of these savings would accrue to the state. For each election, these savings could range from hundreds of thousands of dollars, when the special general election under current law would have been consolidated with another election, to several million dollars for a stand-alone election.

Ongoing Costs to Process Ballots. The measure could increase counties' costs to count and audit ballots. These ongoing costs likely would be minor.

Summary of Major Fiscal Effects. The measure would have the following major fiscal effects:

- One-time state and local costs to implement the new voting method in the millions of dollars and potentially exceeding $10 million.
- Local, and potentially state, savings from no longer holding special general elections, up to several million dollars per election.

Sincerely,

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for Gabriel Petek
Legislative Analyst

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for Joe Stephenshaw
Director of Finance