

AMENDED IN ASSEMBLY MAY 31, 2001

AMENDED IN ASSEMBLY MAY 16, 2001

AMENDED IN ASSEMBLY MAY 1, 2001

AMENDED IN ASSEMBLY APRIL 17, 2001

CALIFORNIA LEGISLATURE—2001-02 REGULAR SESSION

ASSEMBLY BILL

No. 55

Introduced by Assembly Members Shelley and Hertzberg

December 4, 2000

An act to amend Sections 2224, 19205, and 19340 of, to add Section 14228 to, to add Chapter 5 (commencing with Section 2300) to Division 2 of, to add Division 4.5 (commencing with Section 4500) to, to add Chapter 5 (commencing with Section 12500) to Division 12 of, and to add Chapter 5 (commencing with Section 14500) to Division 14 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 55, as amended, Shelley. Elections: voting: reform and modernization.

Existing law authorizes county elections officials to send an alternate residency confirmation postcard to any voter who has neither voted within the preceding 4 years nor updated his or her voter registration information.

This bill would impose a state-mandated local program by requiring county elections officials to send an alternate residency confirmation postcard to any voter who has failed to vote or update his or her registration information for 4 years.



Existing law provides for voting at polling places, by absentee ballot, and in mail ballot elections.

This bill would provide that voters and the public have specified rights, and would require a list of these rights to be made available to the public before each *statewide* election and on election day, as provided. The bill would impose a state-mandated local program by increasing the duties of local elections officials.

This bill would require the Secretary of State to provide assistance to selected counties to modernize the counties' voting process. The bill would require the Secretary of State to develop criteria to be used to evaluate county requests for modernization assistance. The bill would require the Secretary of State to submit county requests for modernization assistance to the Voting Modernization Commission, created by the bill, and would require the commission to consider and evaluate each request using the criteria developed by the Secretary of State and to submit its recommendations to the Secretary of State for appropriate action.

~~This bill would require the Secretary of State, in conjunction with the Governor's office, to establish a statewide voter education media campaign, provided that funds are appropriated expressly for this purpose.~~

This bill would state the intent of the Legislature to enact legislation to codify uniform recount guidelines, reform the current "motor voter" process, and establish a mechanism to implement complete mandatory voter file maintenance in counties.

This bill would establish an Online Voting Program under the direction of the Secretary of State. The program would ensure that the use of an online voting system is viable, accurate, secure, fair, effective, and accepted by the public as a supplementary method of voting in local elections held in whole or in part within a participating county. The program would allow voters to engage in online voting using a computer at any one of various county-controlled polling places within the participating county. This bill would require the Secretary of State to authorize counties to participate in the program in accordance with criteria developed by the Secretary of State. The bill would provide that participation by an authorized county in the program is voluntary and subject to approval by the county's board of supervisors.

This bill would require the Secretary of State to establish standards for online voting systems for purposes of the program, certify an online



voting system for use by an authorized county, and develop procedures for online voting under the program.

This bill would require poll workers to receive specified training. The bill would require that voting materials provided to voters at the polling place be made available in large type size on the request of a visually impaired voter. The bill would require polling places to have wheelchair and stroller access, *and be accessible to physically disabled voters pursuant to specified federal law*. By increasing the duties of local elections officials, the bill would impose a state-mandated local program. This bill would also require the Secretary of State to conduct a study to determine the feasibility of extended polling hours, 2-day elections, and weekend voting.

Existing law requires the Secretary of State to establish specifications for, and regulations governing, voting machines, voting devices, vote tabulating devices, and related software.

This bill would provide that the criteria for establishing these specifications and regulations shall include the requirement that the system and its parts provide a practical and effective means for voters with physical disabilities to cast a secret ballot.

Under existing law, a member of a precinct board who has not previously attended a training class in the use of the voting machines and the duties of a board member is required to do so, unless appointed to fill an emergency vacancy.

This bill would require, if new technologies for voting systems are certified by the Secretary of State for use in a county, that a member of a precinct board located in that county attend a training class in the use of the new technologies once the new system is acquired.

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.

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 2224 of the Elections Code is amended
2 to read:

3 2224. (a) If a voter has not voted in any election within the
4 preceding four years, and his or her residence address, name, or
5 party affiliation had not been updated during that time, the county
6 elections official shall send an alternate residency confirmation
7 postcard. The use of this postcard may be sent subsequent to
8 NCOA or sample ballot returns, but shall not be used in the
9 residency confirmation process conducted under Section 2220.
10 The postcard shall be forwardable, including a postage-paid and
11 preaddressed return form to enable the voter to verify or correct the
12 address information, and shall be in substantially the following
13 form:

14 “If the person named on the postcard is not at this address,
15 PLEASE help keep the voter rolls current and save taxpayer
16 dollars by returning this postcard to your mail carrier.”

17 “IMPORTANT NOTICE”

18 “According to our records you have not voted in any election
19 during the past four years, which may indicate that you no longer
20 reside in ____ County. If you continue to reside in this county you
21 must confirm your residency address in order to remain on the
22 active voter list and receive election materials in the mail.”

23 “If confirmation has not been received within 15 days, you may
24 be required to provide proof of your residence address in order to
25 vote at future elections and, if you do not appear or offer to vote
26 at any election in the period between the date of this notice and the
27 second federal general election after the date of this notice, your
28 voter registration will be cancelled and you will have to reregister
29 in order to vote. If you no longer live in ____ County, you must
30 reregister at your new residence address in order to vote in the next
31 election. California residents may obtain a mail registration form
32 by calling the county elections office of the Secretary of State’s
33 Office.”

34 (b) The use of a toll-free number to confirm the old residence
35 address is optional. Any change to a voter’s address shall be
36 received in writing.

37 (c) Any county using the alternate residency confirmation
38 procedure shall notify all voters of the procedure in the sample



1 ballot pamphlet or in a separate mailing. The voter shall be given
2 an opportunity to vote at a statewide primary or general election
3 between the date of notice and the beginning of the alternate
4 residency procedure.

5 SEC. 2. Chapter 5 (commencing with Section 2300) is added
6 to Division 2 of the Elections Code, to read:

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8
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CHAPTER 5. VOTERS BILL OF RIGHTS

10 2300. (a) The voters and the public have all of the following
11 rights:

12 (1) A voter has the right to ask questions ~~of the elections~~
13 ~~officers and poll workers at the polling place and expect to be~~
14 ~~answered.~~ *regarding election day procedures of the precinct board*
15 *and to receive an answer or be directed to the appropriate elections*
16 *official for an answer. In the event that the precinct board*
17 *determines that persistent questioning by a voter or voters is*
18 *resulting in a delay of voting sufficient to cause other voters to*
19 *forego voting because of insufficient time or for fear of*
20 *unwarranted intimidation, the board may discontinue responding*
21 *to questions by a voter or voters.*

22 (2) A voter has the right to request and receive a new ballot if
23 at any time the voter feels he or she has made a mistake during the
24 voting process but before his or her vote is finally cast. ~~A voter may~~
25 ~~receive a total of three ballots in this manner.~~ *A voter must return*
26 *the spoiled ballot to a poll worker or elections official to receive*
27 *a new ballot. A person voting by absentee ballot may also request*
28 *and receive a new ballot providing his or her spoiled ballot is*
29 *returned to an elections official prior to the closing of the polls on*
30 *election day.*

31 (3) A voter has a right to a receipt that indicates that the voter's
32 vote was received by the elections officials. *The receipt shall be*
33 *given to each person voting at a polling place. The receipt shall*
34 *bear no indication of how a voter cast his or her vote. The receipt*
35 *may be, but is not limited to, a printed slip, sticker, card, certificate,*
36 *or other indicator that a voter cast his or her vote and that it was*
37 *properly received by the precinct board or an elections official.*

38 (4) A voter has the right to know that his or her vote counts. *It*
39 *is of fundamental importance to the democratic process that all*
40 *eligible voters understand that their participation in the electoral*



1 *process is one of the highest and most valued acts of civic*
2 *responsibility.*

3 (5) A voter has the right to have ~~the polls~~ *a polling place* stay
4 open long enough to accommodate everyone who is ~~in line to vote~~
5 ~~by poll closing time~~ *present to vote at the time of the closing of the*
6 *polling place.*

7 (6) The public has the right to request and receive public
8 information provided at the polling place, including a list of voters
9 who have voted so get-out-the-vote workers may review the list of
10 those individuals who have voted.

11 (7) *Any person with a valid voter registration card has the right*
12 *to vote.*

13 (8) *Every voter has the right to a provisional ballot at the*
14 *polling place.*

15 (b) The list of voters' rights set forth in subdivision (a) shall be
16 made available to the public before each *statewide* election and on
17 election day as follows:

18 ~~(1) A printed document containing the list shall be included~~
19 ~~with voting materials supplied by local elections officials to~~
20 ~~voters.~~

21 ~~(2) The list shall be printed on all sample ballots.~~

22 ~~(3)~~

23 (1) *The list shall be printed in the statewide voter pamphlet.*

24 (2) The list shall be displayed in large type at polling places in
25 a location where voters may easily read it.

26 ~~(4)~~

27 (3) Local elections officials shall read the list to a visually
28 impaired voter, on request.

29 SEC. 3. Division 4.5 (commencing with Section 4500) is
30 added to the Elections Code, to read:

31

32 DIVISION 4.5. VOTING MODERNIZATION

33

34 CHAPTER 1. THE VOTING MODERNIZATION ACT

35

36 4500. The Legislature finds and declares all of the following:

37 (a) The modernization of voting methods in California can
38 increase both the accuracy and accessibility of our electoral
39 process.



1 (b) To modernize our voting technology, the state shall provide
2 matching funds to assist the counties in modernizing their voting
3 systems.

4 (c) To further improve voter participation, greater outreach and
5 education is needed on the rules and guidelines of the voting
6 process.

7 (d) The state should provide funds to conduct a comprehensive
8 voter education campaign.

9 4505. (a) The Secretary of State shall provide assistance to
10 selected counties to modernize the counties' voting process.

11 (b) To be eligible for consideration and assistance, counties
12 may submit requests for modernization funds directly to the
13 Secretary of State. Participation by a county is voluntary.

14 (c) The Secretary of State shall develop criteria to be used to
15 evaluate county requests for modernization assistance. The
16 criteria shall include, but not be limited to, the need for elimination
17 of punchcard ballots, the need for greater access to, and accuracy
18 of, the electoral process, and the willingness and ability of the
19 county to provide electronic voting.

20 (d) The Secretary of State shall submit county requests for
21 modernization assistance to the Voting Modernization
22 Commission established by Section 4510. The commission shall
23 consider and evaluate each request using the criteria developed by
24 the Secretary of State pursuant to subdivision (c) and submit its
25 recommendations to the Secretary of State for appropriate action.

26 4510. The Voting Modernization Commission is hereby
27 established, consisting of seven members. Three members of the
28 commission shall be appointed by the Governor and shall be
29 representative of southern, northern, and rural geographical areas
30 of the state. ~~Two members~~ *One member* of the commission shall
31 be appointed by the Speaker of the Assembly, and ~~two members~~
32 *one member* shall be appointed by the President pro Tempore of
33 the Senate. *Two members shall be appointed by the Secretary of*
34 *State.* The commission shall consist of members who are
35 representative of a broad demographic spectrum indicative of the
36 state's electorate.

37 4515. The Secretary of State, ~~in conjunction with the~~
38 ~~Governor's office,~~ shall establish a statewide voter education
39 ~~media campaign. The Secretary of State shall not expend any~~
40 ~~funds to establish this media campaign unless funds are~~



1 ~~appropriated expressly for the purposes of this section. No~~ *media*
2 *campaign. No* governmental or elected official shall appear, or be
3 referenced, in the voter education campaign.

4 4520. It is the intent of the Legislature to enact legislation to
5 codify uniform recount guidelines, reform the current “motor
6 voter” process, and establish a mechanism to implement complete
7 mandatory voter file maintenance in counties.

8

9

CHAPTER 2. ONLINE VOTING PROGRAM

10

11 4600. The Legislature finds and declares all of the following:

12 (a) The use of modern electronic voting methods should be
13 explored to help increase participation, *fairness, and accuracy* in
14 the electoral process.

15 (b) Online voting can help achieve this goal, provided that
16 standards and practices can be developed that will prevent misuse
17 of an online voting system.

18 (c) Secure online voting in a polling place shall be used as the
19 first step to ~~eventually achieve the goal of~~ *achieve* secure online
20 voting from a remote location.

21 (d) Issues such as the “digital divide,” voting fraud, integrity
22 of the system, ballot security, and secrecy of balloting, among
23 other matters, should be addressed.

24 (e) In deciding the method to implement online voting, the
25 Secretary of State and other elections officials should make every
26 effort to eliminate barriers to participation by voters who are
27 members of demographic groups that have traditionally suffered
28 from a lack of exposure and access to computers, the Internet, and
29 other forms of new technology.

30 4602. As used in this division:

31 (a) “Online voting” means the casting of a secure ~~and secret,~~
32 *secret, and verifiable* electronic ballot that is transmitted online to
33 elections officials *or a certified tabulation center*.

34 (b) “Online voting system” means an election system certified
35 for use by the Secretary of State that uses electronic balloting to
36 allow voters to transmit their voted election ballots online to
37 elections officials.

38 (c) “Program” means the Online Voting Program authorized
39 by this division.



1 4604. (a) An Online Voting Program shall be established
 2 under the direction of the Secretary of State. The program shall
 3 ensure that the use of an online voting system is viable, accurate,
 4 secure, fair, effective, and accepted by the public as a
 5 supplementary method of voting in local elections held in whole
 6 or in part within a participating county.

7 (b) The program shall allow voters to engage in online voting
 8 by using a computer at any one of various county-controlled
 9 polling places within the participating county. The online voting
 10 system ~~shall supplement, and not~~ *may supplement, or replace,* the
 11 voting system in place in the participating counties.

12 4606. (a) The Secretary of State shall authorize counties to
 13 participate in the program. Authorization shall be based on criteria
 14 developed by the Secretary of State.

15 (b) Participation by an authorized county in the program is
 16 voluntary and subject to approval by the board of supervisors of
 17 that county.

18 4608. (a) The Secretary of State shall establish standards for
 19 online voting systems for purposes of the program. The standards
 20 shall conform with current federal and state law, include standards
 21 applicable to all currently certified voting systems, and ensure the
 22 accuracy, security, integrity, and usability of online voting. The
 23 Secretary of State shall certify an online voting system for use by
 24 an authorized county based on a determination that the online
 25 voting system meets these standards.

26 (b) The Secretary of State shall develop procedures for online
 27 voting under the program.

28 SEC. 4. Chapter 5 (commencing with Section 12500) is added
 29 to Division 12 of the Elections Code, to read:

30
 31 CHAPTER 5. POLL WORKER TRAINING

32
 33 12500. All poll workers shall receive training that includes all
 34 of the following:

35 (a) Information about the Voters Bill of Rights set forth in
 36 Section 2300.

37 (b) Information about materials at the polling place that are
 38 open to public review at the request of any person during the
 39 operating hours of the polling place.



1 (c) Training on how to assist voters whose primary language is
2 other than English.

3 SEC. 5. Section 14228 is added to the Elections Code, to read:
4 14228. (a) Voting materials provided to voters at the polling
5 place shall be made available in large type size on the request of
6 a visually impaired voter. *This requirement does not apply to*
7 *larger size ballots if providing larger type is not technically*
8 *feasible.*

9 (b) All polling places shall have ~~wheelchair and stroller access~~
10 *stroller access and be fully and equally accessible to voters with*
11 *physical disabilities pursuant to the Federal Voting Accessibility*
12 *for the Elderly and Handicapped Act of 1984 (P.L. 98-435).*

13 SEC. 6. Chapter 5 (commencing with Section 14500) is added
14 to Division 14 of the Elections Code, to read:

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16 CHAPTER 5. STUDY REGARDING NEW PROCEDURES

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18 14500. The Secretary of State shall conduct a study to
19 determine the feasibility of extended polling hours, two-day
20 elections, and weekend voting.

21 SEC. 7. Section 19205 of the Elections Code is amended to
22 read:

23 19205. The Secretary of State shall establish the
24 specifications for and the regulations governing voting machines,
25 voting devices, vote tabulating devices, and any software used for
26 each, including the programs and procedures for vote tabulating
27 and testing. The criteria for establishing the specifications and
28 regulations shall include, but not be limited to, the following:

29 (a) The machine or device and its software shall be suitable for
30 the purpose for which it is intended.

31 (b) The system shall preserve the secrecy of the ballot.

32 (c) The system shall be safe from fraud or manipulation.

33 (d) The system and its parts shall provide a practical and
34 effective means for voters with physical disabilities to cast a secret
35 ballot.

36 SEC. 8. Section 19340 of the Elections Code is amended to
37 read:

38 19340. A member of a precinct board who has not previously
39 attended a training class in the use of the voting machines and the
40 duties of a board member shall be required to do so, unless



1 appointed to fill an emergency vacancy. If new technologies for
2 voting systems are certified by the Secretary of State for use in a
3 county, a member of a precinct board located in that county shall
4 attend a training class in the use of the new technologies once the
5 county has acquired a new system.

6 SEC. 9. Notwithstanding Section 17610 of the Government
7 Code, if the Commission on State Mandates determines that this
8 act contains costs mandated by the state, reimbursement to local
9 agencies and school districts for those costs shall be made pursuant
10 to Part 7 (commencing with Section 17500) of Division 4 of Title
11 2 of the Government Code. If the statewide cost of the claim for
12 reimbursement does not exceed one million dollars (\$1,000,000),
13 reimbursement shall be made from the State Mandates Claims
14 Fund.

