

## Assembly Bill No. 1520

### CHAPTER 922

An act to amend Sections 100.5, 3201, 3203, and 18577 of, and to add Section 354.5 to, the Elections Code, relating to elections.

[Approved by Governor October 14, 2001. Filed  
with Secretary of State October 14, 2001.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1520, Shelley. Elections.

Existing provisions of the Elections Code permit the use of a mark in lieu of a signature in certain instances. Existing general provisions of law permit the use of a mark in lieu of a signature on a sworn statement only if witnessed by 2 other persons.

This bill would permit the use of a mark when witnessed by one person and would permit the use of a person's mark where a signature is otherwise required by the Elections Code if the person is unable to provide a signature and the mark is attested by a witness.

Existing law authorizes voters who have specified impairments or conditions to apply for permanent absent voter status.

This bill would impose a state-mandated local program by authorizing any voter to apply for permanent absent voter status. This bill would require the Secretary of State to report annually regarding the impact, if any, that permitting all voters to apply for permanent absent voter status has on increasing voter participation.

Existing law makes it a misdemeanor for a person having charge of a completed absent voter ballot to willfully interfere or cause interference with its return to the local elections official.

This bill would specify that this offense is punishable by imprisonment in the county jail for up to 6 months, by a fine of up to \$10,000, or by both.

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. The Legislature finds and declares all of the following:

(a) It is the policy of this state that all election laws and procedures shall be established and construed to assist the elector in the exercise of the right to franchise. It is the further policy of the state that this goal be accomplished in an economical manner that both prevents fraud and encourages electors to vote.

(b) The prevention of voter fraud and cost savings may be achieved through voter file maintenance.

(1) Voter file maintenance provides protection against voter fraud by eliminating an active record on a nonexistent or deceased voter, and reflecting the true participation record of voters in elections.

(2) Voter file maintenance also provides cost savings to counties by eliminating the need to maintain records of and mail elections materials to voters who may have died, moved, or changed their surname because of marriage.

(3) Voter file maintenance efforts initiated in 1995 through a statewide voter file and local alternative residency confirmation process have brought about significant savings, as more than 2.5 million voter registration affidavits have been placed on an inactive file.

(4) Further integration and enhancement of state and local voter file maintenance efforts are desired to provide for the most accurate and updated voter file rolls, cost savings, and elimination of potential voter fraud.

(c) Greater elector participation may be achieved by allowing all voters to maintain permanent absent voter status.

(d) The Secretary of State shall report annually to the Legislature regarding the impact, if any, that permitting all voters to apply for permanent absent voter status has on increasing voter participation.

SEC. 2. Section 100.5 of the Elections Code is amended to read:

100.5. Notwithstanding Section 100, a voter who is unable to personally affix on a petition or paper the information required by Section 100 may request another person to print the voter's name and place of residence on the appropriate spaces of the petition or paper, but the voter shall personally affix his or her mark or signature on the appropriate space of the petition or paper, which shall be witnessed by one person by subscribing his or her name thereon.

SEC. 3. Section 354.5 is added to the Elections Code, to read:

354.5. (a) "Signature" includes a person's mark if the name of the person affixing the mark is written near the mark by a witness over the age of 18 years designated by the person and the designee subscribes his or her own name as a witness thereto.



(b) A mark attested as provided in subdivision (a) may serve as a signature for any purpose specified in this code, including a sworn statement.

SEC. 4. Section 3201 of the Elections Code is amended to read:

3201. Any voter may apply for permanent absent voter status. Application for permanent absent voter status shall be made in accordance with Section 3001. The voter shall complete an application, which shall be available from the county elections official, and which shall contain all of the following:

- (a) Applicant's name at length.
- (b) Applicant's residence address.
- (c) Address where ballot is to be mailed, if different from the place of residence.
- (d) The signature of the applicant.

SEC. 5. Section 3203 of the Elections Code is amended to read:

3203. (a) Upon receipt of an application for permanent absent voter status, the county elections official shall process the application in the same manner as an application for a regular absent voter's ballot.

(b) In addition to processing applications in accordance with Chapter 1 (commencing with Section 3000), if it is determined that the applicant is a registered voter, the county elections official shall do the following:

- (1) Place the voter's name upon a list of those to whom an absentee ballot is sent each time there is an election within their precinct.
- (2) Include in all absentee ballot mailings to the voter an explanation of the absentee voting procedure and an explanation of Section 3206.
- (3) Maintain a copy of the absentee ballot voter list on file open to the public inspection for election and governmental purposes.

SEC. 6. Section 18577 of the Elections Code is amended to read:

18577. Any person having charge of a completed absent voter ballot who willfully interferes or causes interference with its return to the local elections official having jurisdiction over the election is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, by a fine not exceeding ten thousand dollars (\$10,000), or by both.

SEC. 7. 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.

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