

ASSEMBLY BILL

No. 2277

Introduced by Assembly Members Keeley and Shelley

February 20, 2002

An act to amend Sections 3001 and 3008 of, and to add Sections 3007.5 and 18107.5 to, the Elections Code, relating to absentee ballots.

LEGISLATIVE COUNSEL'S DIGEST

AB 2277, as introduced, Keeley. Absentee ballots: applications.

Existing law requires the Secretary of State to prepare and distribute to appropriate elections officials a uniform application format for an absent voter's ballot that conforms to statutory requirements.

This bill would require the Secretary of State, in addition, to prepare a uniform electronic application format for an absent voter's ballot. This bill would allow a local elections official to use the uniform electronic application and would require the official to deliver an absent voter's ballot to a person who submits an electronic application within the proper time that contains the required information.

This bill would require local elections officials who use the electronic application format to deliver an absent voter's ballot and a notice of defect to persons who submit an electronic application that does not contain the required information.

Existing law requires any individual, group, or organization that distributes applications for absent voter ballots to return the completed application forms to the appropriate elections official within a specified time period of receiving them.

This bill would impose a state-mandated local program by prohibiting, subject to infraction penalties for a violation, anyone other

than the registered voter from submitting an electronic application for another voter.

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.

This bill would provide that no reimbursement is required by this act for a specified reason.

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. The Legislature hereby finds and declares the
2 following:

3 (a) It is the policy of this state that all election laws and
4 procedures are established and construed to assist the elector in the
5 exercise of his or her right to vote. It is the further policy of the state
6 that this goal be accomplished in an economical manner that
7 prevents fraud and encourages electors to vote.

8 (b) California’s system of elections can be improved by the use
9 of current and emerging technologies to increase voter
10 participation.

11 (c) Greater electoral participation may be achieved by allowing
12 all voters to submit absentee ballot requests electronically.

13 SEC. 2. Section 3001 of the Elections Code is amended to
14 read:

15 3001. Except as provided in Chapter 3 (commencing with
16 Section 3200) and Section 3007.5, application for an absent
17 voter’s ballot shall be made in writing to the elections official
18 having jurisdiction over the election between the 29th and the 7th
19 day prior to the election. The application shall be signed by the
20 applicant and shall show his or her place of residence. Any
21 applications received by the elections official prior to the 29th day
22 shall be kept and processed during the application period.

23 SEC. 3. Section 3007.5 is added to the Elections Code, to
24 read:

25 3007.5. (a) The Secretary of State shall prepare and
26 distribute to appropriate elections officials a uniform electronic



1 application format for an absent voter’s ballot that conforms to this
2 section.

3 (b) The uniform electronic application shall contain spaces for
4 at least the following information:

5 (1) The name and residence address of the registered voter as
6 it appears on the affidavit of registration.

7 (2) The address to which the ballot is to be mailed.

8 (3) The name and date of the election for which the request is
9 made.

10 (4) The date the application must be received by the elections
11 official.

12 (c) The uniform electronic application shall contain a
13 conspicuously printed statement, as follows: “Only the registered
14 voter himself or herself may apply for an absentee ballot. An
15 application for an absentee ballot made by a person other than the
16 registered voter is a criminal offense.”

17 (d) The local elections official may offer a voter the ability to
18 electronically apply for an absent voter’s ballot.

19 (e) Upon receiving an electronic absentee ballot application
20 that contains the required information within the proper time, the
21 elections official shall deliver the appropriate absent voter’s ballot
22 by mail or in person.

23 (f) If the elections official determines that an electronic
24 absentee ballot application does not contain all of the required
25 information, or for any other reason is defective, and the elections
26 official is able to ascertain the voter’s address, the elections official
27 shall, within one working day of receiving the application, mail the
28 voter an absent voter’s ballot together with a notice of defect. The
29 notice of defect shall do all of the following:

30 (1) Inform the voter that the voter’s absent voter’s ballot will
31 not be counted unless the applicant provides the elections official
32 with the missing information or corrects the defects prior to, or
33 contemporaneous with, receipt of the voter’s executed absent
34 voter’s ballot.

35 (2) Specifically inform the voter of the information that is
36 required or the reason for the defect in the application.

37 (3) State the procedure necessary to remedy the defective
38 application.

39 (g) Except as provided in this section, all other sections of the
40 this code pertaining to absentee voter application, submission,



1 deadlines, and canvassing shall apply to electronic absentee ballot
2 applications and applicants.

3 (h) The Secretary of State shall report to the Legislature, within
4 one year of the first statewide election following implementation
5 of this section, on the impact, if any, of permitting electronic
6 application for absentee ballots, including the impact of the
7 electronic application on voter participation.

8 SEC. 4. Section 3008 of the Elections Code is amended to
9 read:

10 3008. (a) Any individual, organization, or group that
11 distributes applications for absent voter ballots and receives
12 completed application forms shall return the forms to the
13 appropriate elections official within 36 hours of receiving the
14 completed forms, or before the deadline for application,
15 whichever is sooner. The name, address, and telephone number of
16 any organization that authorizes the distribution of the
17 applications shall be included on the application.

18 (b) Any application for an absent voter’s ballot that is sent by
19 an individual, group, or organization to a voter shall be
20 nonforwardable. Any absent voter’s ballot that is returned to an
21 elections official as undeliverable shall not be forwarded by the
22 elections official.

23 (c) *A person may not submit an absentee ballot application*
24 *electronically for another registered voter.*

25 SEC. 5. Section 18107.5 is added to the Elections Code, to
26 read:

27 18107.5. Every person who willfully violates subdivision (c)
28 of Section 3008 is guilty of an infraction, punishable by a fine not
29 to exceed two hundred dollars (\$200) per application.

30 SEC. 6. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.

