

AMENDED IN SENATE AUGUST 30, 2007  
AMENDED IN SENATE JULY 18, 2007  
AMENDED IN SENATE JULY 2, 2007  
AMENDED IN ASSEMBLY APRIL 12, 2007  
AMENDED IN ASSEMBLY MARCH 19, 2007  
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 18**

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**Introduced by Assembly Member Blakeslee**

December 4, 2006

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An act to amend Section 354.5 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 18, as amended, Blakeslee. Signature stamps: authorized users.

Existing law provides that, when a signature is required for any purpose specified in the Elections Code, a person who cannot write may satisfy that requirement by the use of a mark if certain conditions are met.

This bill would provide, in addition, that a person with a disability, as defined, who, by reason of the disability, is unable to write may use a signature stamp, or authorize another person to use the stamp, to serve as his or her signature for any purpose specified in the Elections Code. The bill would require that a signature affixed with a signature stamp pursuant to these provisions be treated in the same manner as a signature made in writing *and would authorize a signature stamp to be used as a mark, as specified*. It would impose certain conditions on the use of

signature stamps, including a condition that the signature stamp be used in the presence of the Secretary of State, local elections officials, or their designees to obtain a ballot.

The bill would prohibit the use of a signature stamp on a ballot, or to obtain an absentee ballot, in any local, state, or federal election unless the person is the authorized user of the signature stamp ~~and has registered the signature stamp with the Secretary of State.~~ *The bill would also provide that a registered voter or any person who is eligible to vote, who qualifies as an authorized user, may use a signature stamp only after he or she first submits his or her affidavit of registration or a new affidavit of registration, whichever is applicable, in the presence of a county elections official, using the signature stamp to sign the affidavit.*

~~The bill would also require the Secretary of State to develop a registry for signature stamps and to adopt regulations relating to the registration and verification of signature stamps and the use of signature stamps on ballots and absentee ballots.~~

*The bill would require the Secretary of State to report to the Legislature, not later than January 1, 2009, regarding the use of signature stamps during the 2008 elections.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. *This act shall be known as the Warren Mattingly*  
2     *Signature Stamp Act.*

3     ~~SECTION 1.~~

4     SEC. 2. Section 354.5 of the Elections Code is amended to  
5     read:

6     354.5. (a) “Signature” includes either of the following:

7     (1) A person’s mark if the name of the person affixing the mark  
8     is written near the mark by a witness over the age of 18 years  
9     designated by the person and the designee subscribes his or her  
10    own name as a witness thereto. *For purposes of this paragraph,*  
11    *a signature stamp may be used as a mark, provided that the*  
12    *authorized user complies with the provisions of this paragraph.*

13    (2) An impression made by the use of a signature stamp pursuant  
14    to the requirements specified in subdivision (c).

1 (b) A mark attested as provided in paragraph (1) of subdivision  
2 (a), or an impression made by a signature stamp as provided in  
3 paragraph (2) of subdivision (a), may serve as a signature for any  
4 purpose specified in this code, including a sworn statement.

5 (c) An authorized user of a signature stamp may use it to affix  
6 a signature to a document or writing any time that a signature is  
7 required by this code, provided that all of the following conditions,  
8 as applicable, are met:

9 (1) A signature stamp used to obtain a ballot or absentee ballot  
10 in any local, state, or federal election ~~(A)~~ shall be used only by the  
11 authorized user of that signature stamp, ~~and (B) shall be registered~~  
12 ~~with the Secretary of State.~~

13 (2) A signature stamp shall be affixed by the authorized user in  
14 the presence of the Secretary of State, his or her designee, the local  
15 elections official, or his or her designee, to obtain a ballot, in any  
16 local, state, or federal election unless the authorized user of the  
17 signature stamp votes by absentee ballot. If the owner of a signature  
18 stamp votes by absentee ballot, he or she shall affix the signature  
19 stamp on the absentee ballot in accordance with the requirements  
20 of Section 3019.

21 (d) A signature affixed with a signature stamp by an authorized  
22 user in accordance with the requirements of this section shall be  
23 treated in the same manner as a signature made in writing.

24 ~~(e) (1) The Secretary of State shall develop a registry for~~  
25 ~~signature stamps that are authorized for use on a ballot or absentee~~  
26 ~~ballot or to obtain a ballot or absentee ballot in a local, state, or~~  
27 ~~federal election pursuant to this section.~~

28 ~~(2) The Secretary of State shall adopt regulations relating to the~~  
29 ~~registration and verification of signature stamps and the use of~~  
30 ~~signature stamps on ballots and absentee ballots. In adopting these~~  
31 ~~regulations, the Secretary of State shall ensure that the owner or~~  
32 ~~an authorized user of a signature stamp shall only be required to~~  
33 ~~present valid identification in any form listed in subdivision (d)~~  
34 ~~of Section 20107 of Title 2 of the California Code of Regulations,~~  
35 ~~and that no additional verification of identification by an owner~~  
36 ~~or authorized user of a signature stamp is required that is not also~~  
37 ~~imposed on a voter using a written signature.~~

38 *(e) A registered voter or any person who is eligible to vote, who*  
39 *qualifies as an authorized user pursuant to paragraph (1) of*  
40 *subdivision (f), may use a signature stamp only after he or she first*

1 submits his or her affidavit of registration or a new affidavit of  
2 registration, whichever is applicable, in the presence of a county  
3 elections official, using the signature stamp to sign the affidavit.

4 (f) The Secretary of State shall report to the Legislature not  
5 later than January 1, 2009, regarding the use of signature stamps  
6 during the 2008 elections.

7 ~~(f)~~

8 (g) The following definitions apply for purposes of this section:

9 (1) "Authorized user" means either of the following:

10 (A) A person with a disability who, by reason of that disability,  
11 is unable to write and who owns a signature stamp.

12 (B) A person using the signature stamp on behalf of the owner  
13 of the stamp with the owner's express consent and in the presence  
14 of the owner.

15 (2) "Disability" means a medical condition, mental disability,  
16 or physical disability, as those terms are defined in subdivisions  
17 (h), (i), and (k) of Section 12926 of the Government Code.

18 (3) "Signature stamp" means a stamp that contains the  
19 impression of any of the following:

20 (A) The actual signature of a person with a disability.

21 (B) A mark or symbol that is adopted by the person with the  
22 disability.

23 (C) A signature of the name of a person with a disability that is  
24 made by another person and is adopted by the person with the  
25 disability.