AMENDED IN SENATE SEPTEMBER 6, 2007

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

Introduced by Assembly Member Blakeslee

December 4, 2006

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. 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 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 SEC. 2. Section 354.5 of the Elections Code is amended to
4 read:
5 354.5. (a) "Signature" includes either of the following:
6 (1) A person's mark if the name of the person affixing the mark
7 is written near the mark by a witness over the age of 18 years
8 designated by the person and the designee subscribes his or her
9 own name as a witness thereto. For purposes of this paragraph, a
10 signature stamp may be used as a mark, provided that the
11 authorized user complies with the provisions of this paragraph.
12 (2) An impression made by the use of a signature stamp pursuant
13 to the requirements specified in subdivision (c).
14 (b) A mark attested as provided in paragraph (1) of subdivision
15 (a), or an impression made by a signature stamp as provided in
16 paragraph (2) of subdivision (a), may serve as a signature for any
17 purpose specified in this code, including a sworn statement.
18 (c) An authorized user of a signature stamp may use it to affix
19 a signature to a document or writing any time that a signature is

1 required by this code, provided that all of the following conditions,
2 as applicable, are met:
3   (1) A signature stamp used to obtain a ballot or absentee ballot
4 in any local, state, or federal election shall be used only by the
5 authorized user of that signature stamp.
6   (2) A signature stamp shall be affixed by the authorized user in
7 the presence of the Secretary of State, his or her designee, the local
8 elections official, or his or her designee, to obtain a ballot, in any
9 local, state, or federal election unless the authorized user of the
10 signature stamp votes by absentee ballot. If the owner of a signature
11 stamp votes by absentee ballot, he or she shall affix the signature
12 stamp on the absentee ballot in accordance with the requirements
13 of Section 3019.
14   (d) A signature affixed with a signature stamp by an authorized
15 user in accordance with the requirements of this section shall be
16 treated in the same manner as a signature made in writing.
17   (e) A registered voter or any person who is eligible to vote, who
18 qualifies as an authorized user pursuant to paragraph (1) of
19 subdivision (f) *(g)*, may use a signature stamp only after he or she
20 first submits his or her affidavit of registration or a new affidavit
21 of registration, whichever is applicable, in the presence of a county
22 elections official, using the signature stamp to sign the affidavit.
23   (f) The Secretary of State shall report to the Legislature not later
24 than January 1, 2009, regarding the use of signature stamps during
25 the 2008 elections.
26   (g) The following definitions apply for purposes of this section:
27   (1) "Authorized user" means either of the following:
28   (A) A person with a disability who, by reason of that disability,
29 is unable to write and who owns a signature stamp.
30   (B) A person using the signature stamp on behalf of the owner
31 of the stamp with the owner's express consent and in the presence
32 of the owner.
33   (2) "Disability" means a medical condition, mental disability,
34 or physical disability, as those terms are defined in subdivisions
35 (h), (i), and (k) of Section 12926 of the Government Code.
36   (3) "Signature stamp" means a stamp that contains the
37 impression of any of the following:
38   (A) The actual signature of a person with a disability.
39   (B) A mark or symbol that is adopted by the person with the
40 disability.

1   (C) A signature of the name of a person with a disability that is
2 made by another person and is adopted by the person with the
3 disability.

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