

AMENDED IN SENATE AUGUST 17, 2009

AMENDED IN SENATE JUNE 25, 2009

AMENDED IN SENATE JUNE 9, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1440**

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**Introduced by Assembly Member Swanson**

February 27, 2009

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An act to add Section 14313 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1440, as amended, Swanson. Elections: provisional ballots.

Existing law requires that a provisional ballot be issued to a voter claiming to be properly registered but whose qualification or entitlement to vote cannot be immediately established upon examination of the index of registration or records on file with the county elections official.

This bill would require a county elections official to issue a provisional ballot, including any materials necessary to process the ballot, to ~~specified persons responding to an emergency declared by the Governor~~ *worker, as defined*. The bill would require the county elections official to transmit the ballot to the county where the voter is registered and would specify requirements for the ballot to be counted and the ballot materials to be preserved.

Because the bill would increase duties of local elections officials, it would impose a state-mandated local program.

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, 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 14313 is added to the Elections Code, to  
 2 read:

3 14313. (a) Upon the declaration of a state of emergency by  
 4 the Governor, elections officials in the counties included in the  
 5 executive order shall, upon demand, issue to ~~any person who is a~~  
 6 ~~public safety worker, emergency services worker, or other person~~  
 7 ~~officially engaged in responding to the declared emergency, a~~ *an*  
 8 *emergency worker* a provisional ballot that may be identical to the  
 9 provisional ballot offered to other voters in the county, using a  
 10 process to be determined by the elections official. The elections  
 11 official shall transmit for processing any ballot cast, including any  
 12 materials necessary to process the ballot, pursuant to this section  
 13 to the elections official in the county where the voter is registered  
 14 to vote.

15 (b) To be counted, a ballot cast pursuant to this section shall  
 16 satisfy both of the following requirements:

17 (1) Be cast by the voter no later than the close of the polls on  
 18 election day.

19 (2) Be received by the county elections official where the voter  
 20 is registered on or before the 10th day following the date of the  
 21 election.

22 (3) Upon receipt of the returned ballot, the elections official  
 23 shall process the ballot pursuant to the procedures in subdivision  
 24 (c) of Section 14310.

25 (c) If the requirements in paragraphs (1), (2), and (3) of  
 26 subdivision (b) are met and the ballot is eligible to be counted, the  
 27 ballot shall be duplicated and all other materials preserved  
 28 according to the procedures set forth in this code.

29 (d) *“Emergency worker” for the purposes of this section means*  
 30 *a person who is officially engaged in responding to the proclaimed*

1 *state of emergency and whose vocation has been identified in the*  
2 *Governor's executive order proclaiming the state of emergency.*

3 SEC. 2. If the Commission on State Mandates determines that  
4 this act contains costs mandated by the state, reimbursement to  
5 local agencies and school districts for those costs shall be made  
6 pursuant to Part 7 (commencing with Section 17500) of Division  
7 4 of Title 2 of the Government Code.

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