

**Assembly Bill No. 2616**

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Passed the Assembly August 25, 2010

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*Chief Clerk of the Assembly*

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Passed the Senate August 24, 2010

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2010, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Section 3017 of the Elections Code, relating to elections.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2616, Hill. Elections: vote by mail ballots.

Existing law requires an elections official to count only those vote by mail ballots returned by mail that are received by the elections official or delivered to a polling place by the close of the polls on the day of the election that contain specified information. Existing law also requires the elections official to establish procedures to ensure the secrecy of any vote by mail ballot returned to a precinct polling place.

Existing law also requires procedures to track and confirm the receipt of voted vote by mail ballots and requires that this information be available by means of online access using the county's elections division Internet Web site. Existing law requires the elections official to establish procedures to ensure the security, confidentiality, and integrity of any personal information collected, stored, or otherwise used in tracking vote by mail ballots.

This bill would require county elections officials to permit a vote by mail voter to find out whether his or her vote had been counted, and if not, the reason why, via online access on the county's Internet Web site or via a toll-free telephone number.

Because this bill would impose new duties on 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.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) The number of voters choosing to vote using a vote by mail ballot has increased from 23 percent of voters casting a vote by mail ballot in June 2000 to 57 percent in June 2010.

(b) Vote by mail voters currently do not enjoy rights provided to provisional voters who, by law, have the ability to find out after an election if their votes counted, and if not, why not.

(c) A voter's signature changes over time, often because of age or illness, so a voter's present-day signature may not match the signature from when he or she first registered to vote.

(d) Shifts in signatures over time may lead to legally eligible voters being disenfranchised and not having their votes counted.

(e) The technology used to allow provisional voters to find out after an election if their votes were counted can be used to allow vote by mail voters to do the same.

SEC. 2. Section 3017 of the Elections Code is amended to read:

3017. (a) All vote by mail ballots cast under this division shall be voted on or before the day of the election. After marking the ballot, the vote by mail voter shall do either of the following: (1) return the ballot by mail or in person to the elections official from whom it came or (2) return the ballot in person to any member of a precinct board at any polling place within the jurisdiction. However, a vote by mail voter who, because of illness or other physical disability, is unable to return the ballot may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the vote by mail voter to return the ballot to the elections official from whom it came or to the precinct board at any polling place within the jurisdiction. The ballot must, however, be received by either the elections official from whom it came or the precinct board before the close of the polls on election day.

(b) The elections official shall establish procedures to ensure the secrecy of any ballot returned to a precinct polling place and the security, confidentiality, and integrity of any personal information collected, stored, or otherwise used pursuant to this section.

(c) The elections official shall permit a legally registered voter to track and confirm the receipt of voted vote by mail ballots, and permit a vote by mail voter to find out whether his or her ballot was counted and if not, identify the reason why, and to make this information available by means of online access using the county's elections division Internet Web site. If the county does not have an elections division Internet Web site, the elections official shall establish a toll-free telephone number that may be used to obtain this same information regarding vote by mail ballots.

(d) The provisions of this section are mandatory, not directory, and no ballot shall be counted if it is not delivered in compliance with this section.

(e) Notwithstanding subdivision (a), no vote by mail voter's ballot shall be returned by any paid or volunteer worker of any general purpose committee, controlled committee, independent expenditure committee, political party, candidate's campaign committee, or any other group or organization at whose behest the individual designated to return the ballot is performing a service. However, this subdivision shall not apply to a candidate or a candidate's spouse.

SEC. 3. 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.







Approved \_\_\_\_\_, 2010

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*Governor*