

AMENDED IN SENATE AUGUST 19, 2010

AMENDED IN ASSEMBLY MAY 10, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2797

**Introduced by Committee on Elections and Redistricting (Fong
(Chair), Adams (Vice Chair), Coto, Mendoza, Saldaña, and
Swanson)**

March 25, 2010

An act to amend Sections 302, 2130, 15281, 19370, 19380, and 19384 of, and to repeal Section 13007 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2797, as amended, Committee on Elections and Redistricting. Elections: voter registration and ballots.

(1) Existing law requires the Controller to allocate and disburse to counties, from moneys appropriated by the Legislature, amounts necessary to reimburse the counties for costs incurred in complying with voter registration provisions, as specified. Under existing law, counties are required to submit to the Controller claims for those amounts by October 31 in the year following the fiscal year in which the costs were incurred.

This bill would instead require counties to submit the claims to the Controller by February 15 in the year following the fiscal year in which the costs were incurred.

~~(2) Under existing law, there is a revolving fund, which is continuously appropriated, without regard to fiscal years, for the purpose of paying expenses incurred by the Secretary of State for the purchase~~

~~of ballot paper and punchcards. Existing law requires the fund to be reimbursed by the receipts from the jurisdiction obtaining the ballot paper or punchcards.~~

~~This bill would repeal this provision and make conforming changes.~~

~~(3)~~

(2) Existing law requires a precinct board to post, outside of each precinct and polling place, the results of the vote cast at that precinct or polling place for at least 48 hours after the polls are closed.

This bill would exempt from this requirement precincts or polling places where 10 or fewer voters cast their ballots on a machine that keeps vote tallies and would instead require that the precinct board post only the total number of voters at that precinct or polling place.

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

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

1 SECTION 1. Section 302 of the Elections Code is amended to
2 read:

3 302. "Ballot card" means a card or a number of cards upon
4 which are printed, or identified by reference to the ballot, the names
5 of candidates for nomination or election to one or more offices or
6 the ballot titles of one or more measures. The ballot card shall also
7 contain proper blank spaces to allow the voter to write in names
8 not printed on the ballot unless a separate write-in ballot is used.
9 The separate write-in ballot may be a paper ballot, a card, or the
10 envelope used to enclose a ballot card. Determination of the format
11 of a separate write-in ballot shall be within the discretion of the
12 elections board. The separate write-in ballot shall provide a blank
13 space followed by the word "office" and a second blank space
14 followed by the word "name" for purposes of facilitating write-in
15 votes for offices for which write-in votes may be cast, or may
16 provide a space for writing in the name followed by a space for
17 punching or slotting in order that the vote may be tabulated. All
18 separate write-in ballots may, in the discretion of the elections
19 board, have attached thereto two stubs that comply with Section
20 13261 regarding the stubs attached to a ballot card, except that the
21 information required under subdivisions (c) to (g), inclusive, of
22 Section 13261 and instructions to voters on how to vote for persons
23 whose names do not appear on the ballot may be printed on the

1 write-in ballot and not upon a stub. Any serial numbers appearing
2 on the write-in ballot stubs need not be identical to the serial
3 numbers appearing on the stubs attached to the ballot card or cards
4 handed to the voter. Sections 13002 to ~~13006~~ 13007, inclusive,
5 shall not apply to the preparation and composition of separate
6 write-in ballots authorized by this section. Sections 14403 and
7 14404 shall not apply to separate write-in ballots used in an election
8 in which a punchcard voting system is used.

9 SEC. 2. Section 2130 of the Elections Code is amended to read:

10 2130. From moneys appropriated by the Legislature, the
11 Controller shall allocate and disburse to the counties the amounts
12 necessary to reimburse them for net costs incurred by them in
13 complying with the voter registration provisions, including the
14 provisions authorizing voter registration by mail and voter outreach
15 programs, as set forth in Chapter 704 of the Statutes of 1975, as
16 amended. The Secretary of State, in consultation with the
17 Controller, shall develop a formula for the reimbursement of these
18 costs. The Controller shall prescribe the forms for filing claims
19 pursuant to this section. These claims shall be submitted to the
20 Controller by February 15 in the year following the fiscal year in
21 which the costs were incurred.

22 ~~SEC. 3. Section 13007 of the Elections Code is repealed.~~

23 ~~SEC. 4.~~

24 SEC. 3. Section 15281 of the Elections Code is amended to
25 read:

26 15281. The precinct board shall sign and post conspicuously
27 on the outside of the polling place a copy of the result of the votes
28 cast. The copy shall remain posted for at least 48 hours after the
29 official time fixed for the closing of the polls. To protect a person's
30 right to cast a secret ballot under Section 7 of Article II of the
31 California Constitution, in cases where fewer than 10 voters cast
32 ballots and the precinct board tallies the results at the precinct, the
33 precinct board shall post only the total number of people who voted
34 at the precinct.

35 ~~SEC. 5.~~

36 SEC. 4. Section 19370 of the Elections Code is amended to
37 read:

38 19370. As soon as the polls are closed, the precinct board, in
39 the presence of the watchers and all others lawfully present, shall
40 immediately lock the voting machine against voting and open the

1 counting compartments, giving full view of all counter numbers.
 2 A board member shall, in the order of the offices as their titles are
 3 arranged on the machine, read and distinctly announce the name
 4 or designating number and letter on each counter for each
 5 candidate's name and the result as shown by the counter numbers.
 6 He or she shall also in the same manner announce the vote on each
 7 measure.

8 If the machine is provided with a recording device, in lieu of
 9 opening the counter compartment, the precinct board shall proceed
 10 to operate the mechanism to produce the statement of return of
 11 votes cast record in a minimum of three copies, remove the
 12 irregular ballot, if any, record on the statement of return of votes
 13 cast record. The irregular ballot shall be attached to the statement
 14 of result record of votes cast for the machine and become a part
 15 thereof. One copy of the statement of return of votes cast for each
 16 machine shall be posted upon the outside wall of the precinct for
 17 all to see. To protect a person's right to cast a secret ballot under
 18 Section 7 of Article II of the California Constitution, in cases where
 19 fewer than 10 voters cast ballots on any single machine on which
 20 the results are tallied at the precinct, the precinct board shall post
 21 only the total number of people who voted at that precinct on the
 22 machine that keeps vote tallies. The statement of return of votes
 23 cast for each machine for the precinct shall constitute the precinct
 24 statement of result of votes cast.

25 ~~SEC. 6.~~

26 *SEC. 5.* Section 19380 of the Elections Code is amended to
 27 read:

28 19380. During the reading of the result of votes cast, any
 29 candidate or watcher who may desire to be present shall be
 30 admitted to the polling place. The proclamation of the result of the
 31 votes cast shall be distinctly announced by the precinct board who
 32 shall read the name of each candidate, or the designating number
 33 and letter of his or her counter, and the vote registered on the
 34 counter. The board shall also read the vote cast for and against
 35 each measure submitted. The board shall not count votes cast for
 36 write-in candidates, but shall have these counted by the elections
 37 official. During the proclamation ample opportunity shall be given
 38 to any person lawfully present to compare the result so announced
 39 with the counter dials of the machine, and any necessary corrections

1 shall then and there be made by the precinct board, after which
2 the doors of the voting machine shall be closed and locked.

3 To protect a person's right to cast a secret ballot under Section
4 7 of Article II of the California Constitution, in cases where fewer
5 than 10 votes are cast on any single machine on which the results
6 are tallied at the precinct, the precinct board shall read only the
7 total number of people who voted at the precinct on the machine
8 that keeps vote tallies.

9 If the machine is provided with a recording device, the alternate
10 procedures in Section 19370 may be used.

11 ~~SEC. 7.~~

12 *SEC. 6.* Section 19384 of the Elections Code is amended to
13 read:

14 19384. The precinct board shall, before it adjourns, post
15 conspicuously on the outside of the polling place a copy of the
16 result of the votes cast at the polling place. The copy of the result
17 shall be signed by the members of the precinct board. To protect
18 a person's right to cast a secret ballot under Section 7 of Article
19 II of the California Constitution, in cases where fewer than 10
20 voters cast ballots on any single machine on which the results are
21 tallied at the precinct, the precinct board shall post only the total
22 number of people who voted at that precinct on the machine that
23 keeps vote tallies.

24 If the machine is provided with a recording device, the statement
25 of result of votes cast produced by operating its mechanism may
26 be considered the "result of the votes cast" at the polling place.