

ASSEMBLY BILL

No. 1805

**Introduced by Assembly Member Huffman
(Coauthors: Assembly Members Ammiano and Fletcher)**

February 21, 2012

An act to amend Sections 300 and 321 of, to amend the heading of Chapter 2 (commencing with Section 3100) of Division 3 of, to add Sections 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, and 3123 to, to repeal Section 3104 of, to repeal Chapter 4 (commencing with Section 3300) of Division 3 of, to amend and renumber Sections 3100, 3102, 3103, 3103.5, 3106, 3107, 3108, 3109, 3110, 3111, and 3112 of, and to amend, renumber, and add Section 3101 of, the Elections Code, relating to military or overseas voters.

LEGISLATIVE COUNSEL'S DIGEST

AB 1805, as introduced, Huffman. Military or overseas voters.

Existing law regulates the voting procedures for special absentee voters, defined as members of the Armed Forces, citizens of the United States temporarily living outside of the territorial limits of the United States or District of Columbia, persons serving on a merchant vessel, and a spouse or dependent of a member of the Armed Forces. Existing law also regulates the voting procedures in federal elections with respect to a citizen of the United States residing outside of the territorial limits of the United States who was domiciled in California immediately prior to leaving the territorial limits of the United States.

This bill would revise and recast those provisions, replacing the term “special absentee voter” with the term “military or overseas voter.” Under the bill, the term “military or overseas voter” would include a citizen of the United States outside of the territorial limits of the United

States, whether temporarily or permanently, and would apply to a citizen of the United States born outside of the territorial limits of the United States whose parent or legal guardian was a resident of California when last living within the territorial limits of the United States, provided that the voter has never been registered to vote in another state. This bill would apply the voting procedures for citizens of the United States living outside of the territorial limits of the United States in federal elections to military or overseas voters in all elections, including state and local elections. This bill would also state that it is the intent of the Legislature in enacting this bill to implement the policies of the Uniform Military and Overseas Voters Act, as adopted by the National Conference of Commissioners on Uniform State Laws.

This bill would provide new procedures for military or overseas voters to register to vote, to apply for voting ballots, and to vote. Specifically, this bill would, among other things, require unvoted voting materials to be electronically transmitted to a military or overseas voter, would expand the use of the federal post card application and federal write-in absentee ballot in the state, and would require ballots to be submitted for mailing by the date necessary for the ballot to be received by the elections official by the close of polls on election day.

Because this bill would impose additional 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.

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 300 of the Elections Code is amended to
- 2 read:
- 3 300. (a) “Vote by mail voter” means any voter casting a ballot
- 4 in any way other than at the polling place.
- 5 (b) ~~“Special absentee~~ “Military or overseas voter” means an
- 6 elector who is any of the following:

1 (1) A member of the ~~Armed Forces of the United States or any~~
2 ~~auxiliary branch thereof~~ *active or reserve components of the United*
3 *States Army, Navy, Air Force, Marine Corps, or Coast Guard; a*
4 *Merchant Marine; a member of the United States Public Health*
5 *Service Commissioned Corps; a member of the National Oceanic*
6 *and Atmospheric Administration Commissioned Corps of the*
7 *United States; or a member on activated status of the National*
8 *Guard or state militia.*

9 (2) A citizen of the United States ~~temporarily living~~ outside of
10 the territorial limits of the United States or the District of Columbia.

11 ~~(3) Serving on a merchant vessel documented under the laws~~
12 ~~of the United States.~~

13 ~~(4)~~

14 (3) A spouse or dependent of a ~~member of the Armed Forces~~
15 ~~or any auxiliary branch thereof~~ *person described in paragraph*
16 *(1).*

17 SEC. 2. Section 321 of the Elections Code is amended to read:

18 321. (a) “Elector” means any person who is a United States
19 citizen 18 years of age or older and, *except as specified in*
20 *subdivision (b), is a resident of an election precinct at least 15 days*
21 *prior to an election.*

22 (b) “Elector” also means any person described in paragraph
23 (2) of subdivision (b) of Section 300, who, *except for the residence*
24 *requirement specified in subdivision (a), is eligible to vote in this*
25 *state and meets any of the following conditions:*

26 (1) *He or she was a resident of this state when he or she was*
27 *last living within the territorial limits of the United States or the*
28 *District of Columbia.*

29 (2) *Had he or she been of voting age when he or she was last*
30 *living within the territorial limits of the United States or the District*
31 *of Columbia, he or she would have been a resident of this state.*

32 (3) *He or she was born outside of the United States or the*
33 *District of Columbia, his or her parent or legal guardian was a*
34 *resident of this state when the parent or legal guardian was last*
35 *living within the territorial limits of the United States or the District*
36 *of Columbia, and he or she has not previously registered to vote*
37 *in any other state.*

38 SEC. 3. The heading of Chapter 2 (commencing with Section
39 3100) of Division 3 of the Elections Code is amended to read:

CHAPTER 2. ~~SPECIAL ABSENTEE~~ MILITARY AND OVERSEAS
VOTERS APPLICATION AND VOTING PROCEDURES

SEC. 4. Section 3100 of the Elections Code is amended and renumbered to read:

~~3100.~~

3102. ~~When a~~ (a) Any voter who qualifies as a ~~special absentee~~ military or overseas voter pursuant to subdivision (b) of Section 300 ~~applies~~ shall have the right to register for, and to vote by a vote by mail ballot in, any election within the state, including any general, special, or primary election for any federal office, statewide or state legislative office, and state ballot measure. Any voter who qualifies as a military or overseas voter pursuant to subdivision (b) of Section 300 shall also have the right to register for, and to vote by a vote by mail ballot in, a local election for a local government office or local ballot measure held in the precinct in which he or she was a resident when he or she was last living within the territorial limits of the United States or the District of Columbia, or, for a military or overseas voter qualified pursuant to paragraph (3) of subdivision (b) of Section 321, in any precinct of the state in which his or her parent or legal guardian resided when the parent or legal guardian last lived within the territorial limits of the United States or the District of Columbia.

(b) When a military or overseas voter applies for a vote by mail ballot, the application shall be deemed to be an affidavit of registration and an application for permanent vote by mail status, pursuant to Chapter 3 (commencing with Section 3200). The application ~~must~~ shall be completed by the voter and ~~must~~ shall contain the voter's name; ~~residence address for voting purposes;~~ the voter's date of birth; the address of the voter's residence in the state when the voter was last living within the territorial limits of the United States or the District of Columbia or, if qualified as a military or overseas voter pursuant to paragraph (3) of subdivision (b) of Section 321, the address of the voter's parent or legal guardian when the parent or legal guardian was last living within the territorial limits of the United States or the District of Columbia; the address to which the ballot is to be sent; the voter's political party ~~for a primary election;~~ preference or a statement that the voter declines to state a political party preference; and the voter's signature.

1 (c) *If an elections official receives a completed federal postcard*
2 *application from a person qualified as a military or overseas voter,*
3 *the application shall be deemed to be an affidavit of registration,*
4 *an application for a vote by mail ballot, and an application for*
5 *permanent vote by mail status, pursuant to Chapter 3 (commencing*
6 *with Section 3200).*

7 If

8 (d) *If the applicant is not a resident of the county to which he*
9 *or she has applied, the elections official receiving the an application*
10 *from a military or overseas voter shall forward it immediately to*
11 *the proper county in which the applicant resided when he or she*
12 *was last living within the territorial limits of the United States or*
13 *the District of Columbia or, for a military or overseas voter*
14 *qualified pursuant to paragraph (3) of subdivision (b) of Section*
15 *321, to the county in which his or her parent or legal guardian*
16 *resided when the parent or legal guardian last lived within the*
17 *territorial limits of the United States or the District of Columbia.*

18 (e) *An application made pursuant to this section shall be*
19 *received by the elections official having jurisdiction over the*
20 *election no later than seven days prior to the date of the election.*

21 SEC. 5. Section 3101 of the Elections Code is amended and
22 renumbered to read:

23 ~~3101.~~

24 3103. Upon timely receipt of ~~the an application for a vote by~~
25 ~~mail ballot~~ *received pursuant to Section 3102, the elections official*
26 *shall examine the application to ascertain that it is properly*
27 *executed in accordance with this code. If the elections official is*
28 *satisfied of this fact, the applicant shall be deemed a duly registered*
29 *voter as of the date appearing on the application to the same extent*
30 *and with the same effect as though he or she had registered in*
31 *proper time prior to the election.*

32 SEC. 6. Section 3101 is added to the Elections Code, to read:

33 3101. (a) The Secretary of State shall ensure compliance with
34 this chapter.

35 (b) The Secretary of State shall make available to any person
36 who qualifies as a military or overseas voter information regarding
37 voter registration procedures for military or overseas voters and
38 procedures for casting ballots by military or overseas voters.

39 (c) The elections official for each district shall ensure that his
40 or her jurisdiction has available a system that would allow a

1 military or overseas voter to electronically request and receive a
 2 vote by mail application, an unvoted ballot, and other information
 3 pursuant to this chapter.

4 (d) The Secretary of State shall develop standardized military
 5 or overseas voter voting materials as required by this chapter.

6 (e) The Secretary of State shall prescribe the form and content
 7 of a declaration for use by a military or overseas voter to swear or
 8 affirm specific representations pertaining to the voter’s identity,
 9 eligibility to vote, and status as a military or overseas voter, and
 10 shall further prescribe requirements for the timely and proper
 11 completion of a military or overseas voter’s ballot. The declaration
 12 shall be based on the declaration prescribed to accompany a federal
 13 write-in absentee ballot, as modified to be consistent with this
 14 chapter. The elections official for each jurisdiction shall ensure
 15 that a form for the execution of the declaration, including an
 16 indication of the date of execution of the declaration, is a prominent
 17 part of all balloting materials for which the declaration is required.

18 SEC. 7. Section 3102 of the Elections Code is amended and
 19 renumbered to read:

20 ~~3102.~~

21 *3104.* Applications for the ballots of ~~special absentee~~ *military*
 22 *or overseas* voters shall be received and, except as provided in
 23 ~~Section 3103.5~~ *3106*, the ballots shall be received and canvassed,
 24 at the same time and under the same procedure as vote by mail
 25 ballots, insofar as that procedure is not inconsistent with this
 26 chapter.

27 SEC. 8. Section 3103 of the Elections Code is amended and
 28 renumbered to read:

29 ~~3103.~~

30 *3105.* (a) Any application made pursuant to this chapter that
 31 is received by the elections official prior to the 60th day before
 32 the election shall be kept and processed on or after the 60th day
 33 before the election.

34 (b) (1) The elections official shall immediately send the *military*
 35 *or overseas* voter a ballot in a form prescribed and provided by
 36 the Secretary of State *pursuant to Section 3101*. The elections
 37 official shall send with the ballot a list of all candidates who have
 38 qualified for the ballot by the 60th day before the election and a
 39 list of all measures that are to be submitted to the voters and on
 40 which the voter is qualified to vote. The voter shall be entitled to

1 write in the name of any specific candidate seeking nomination or
2 election to any office listed on the ballot.

3 (2) *The military or overseas voter may, in the alternative to the*
4 *ballot described in paragraph (1), use a federal write-in absentee*
5 *ballot to vote in any election in which the military or overseas*
6 *voter is qualified to vote.*

7 (c) Notwithstanding Section 15341 or any other provision of
8 law, any name written upon a ballot for a particular office pursuant
9 to subdivision (b) shall be counted for the office or nomination,
10 providing the candidate whose name has been written on the ballot
11 has, as of the date of the election, qualified to have his or her name
12 placed on the ballot for the office, or has qualified as a write-in
13 candidate for the office.

14 (d) Except as provided in Section ~~3103.5~~ 3106, the elections
15 official shall receive and canvass ~~special absentee~~ *military or*
16 *overseas* voter ballots described in this section under the same
17 procedure as vote by mail ballots, insofar as that procedure is not
18 inconsistent with this section.

19 (e) In the event that a *military or overseas* voter executes a
20 ~~special absentee~~ ballot pursuant to this section and an application
21 for a vote by mail ballot pursuant to Section ~~3101~~ 3102, the
22 elections official shall cancel the voter's permanent vote by mail
23 status, and process the application in accordance with ~~Chapter 1~~
24 ~~(commencing with Section 3000)~~ *this chapter.*

25 (f) Notwithstanding any other provision of law, a ~~special~~
26 ~~absentee~~ *military or overseas* voter who qualifies pursuant to this
27 ~~section~~ *chapter* may, by facsimile transmission, register to vote
28 and apply for a ~~special absentee~~ ballot *pursuant to this section* or
29 a vote by mail ballot. Upon request, the elections official ~~may~~ *shall*
30 send to the qualified ~~special absentee~~ *military or overseas* voter
31 either by mail, facsimile, or electronic transmission ~~the special~~
32 ~~absentee~~ *a ballot pursuant to this section* or, if available, a vote
33 by mail ballot pursuant to Chapter 1 (commencing with Section
34 3000). *The elections official shall send the vote by mail ballot to*
35 *the qualified military or overseas voter using the means of*
36 *transmission requested by the military or overseas voter.*

37 SEC. 9. Section 3103.5 of the Elections Code is amended and
38 renumbered to read:

1
 2 (Signature) _____
 3 voter (power of attorney cannot be accepted)
 4

5 YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE
 6 ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT AND
 7 IDENTIFICATION ENVELOPE, ALL OF WHICH ARE RETURNED
 8 BY FACSIMILE TRANSMISSION.
 9

10 (b) Notwithstanding the voter’s waiver of the right to a secret
 11 ballot, each elections official shall adopt appropriate procedures
 12 to protect the secrecy of ballots returned by facsimile transmission.

13 (c) Upon receipt of a ballot returned by facsimile transmission,
 14 the elections official shall determine the voter’s eligibility to vote
 15 by comparing the signature on the return information with the
 16 signature on the voter’s affidavit of registration. The ballot shall
 17 be duplicated and all materials preserved according to procedures
 18 set forth in this code.

19 (d) Notwithstanding subdivision (a), a ~~special absentee military~~
 20 ~~or overseas~~ voter who is permitted to return his or her ballot by
 21 facsimile transmission is, nonetheless, encouraged to return his or
 22 her ballot by mail or in person if possible. A ~~special absentee~~
 23 ~~military or overseas~~ voter should return a ballot by facsimile
 24 transmission only if doing so is necessary for the ballot to be
 25 received before the close of polls on election day.

26 SEC. 10. Section 3104 of the Elections Code is repealed.

27 ~~3104. Any vote by mail ballot application by a qualified special~~
 28 ~~absentee voter shall also be deemed an affidavit of voter~~
 29 ~~registration and an application for permanent vote by mail status.~~

30 SEC. 11. Section 3106 of the Elections Code is amended and
 31 renumbered to read:

32 ~~3106:~~

33 ~~3107.~~ When the application is received by an elections official,
 34 other than a county elections official, the elections official receiving
 35 it shall, after the election, transmit it to the county elections official
 36 who, if the application is not subject to rejection, shall file the
 37 original. If an application is rejected, it shall be returned to the
 38 applicant with the reason for rejection endorsed on it, together
 39 with a new blank application.

1 SEC. 12. Section 3107 of the Elections Code is amended and
 2 renumbered to read:

3 ~~3107.~~

4 *3108. If any special absentee a military or overseas voter who*
 5 *is qualified pursuant to paragraph (1) of subdivision (b) of Section*
 6 *300 is released from service after the closing date of registration*
 7 *for an election and has returned to the county of his or her residence*
 8 *and is not a registered voter, he or she may apply in person to the*
 9 *elections official for permission to register. If the elector furnishes*
 10 *documentary proof of release from service after the closing date*
 11 *of registration for the election, the elections official shall allow*
 12 *him or her to be registered and to vote in the election. On or before*
 13 *the day of election the elections official shall deliver to the precinct*
 14 *board a list of ~~special absentee~~ military or overseas voters*
 15 *registered under this section.*

16 SEC. 13. Section 3108 of the Elections Code is amended and
 17 renumbered to read:

18 ~~3108.~~

19 *3109. If any ~~special absentee~~ military or overseas voter to*
 20 *whom a vote by mail ballot has been mailed and which ballot has*
 21 *not been voted by him or her returns to the county in which he or*
 22 *she is registered, or for a military or overseas voter qualified*
 23 *pursuant to paragraph (3) of subdivision (b) of Section 321, to the*
 24 *county in which the applicant's parent or legal guardian resided*
 25 *when the parent or legal guardian last lived within the territorial*
 26 *limits of the United States or the District of Columbia on or before*
 27 *election day, he or she may apply for a second vote by mail ballot*
 28 *pursuant to Section 3014. The elections official shall require him*
 29 *or her to sign an authorization to cancel the vote by mail ballot*
 30 *previously issued when it is returned to the county elections*
 31 *official. The elections official shall then issue another vote by mail*
 32 *ballot to the voter, or the elections official shall certify to the*
 33 *precinct board that the voter is eligible to vote in the precinct*
 34 *polling place of his or her residence.*

35 SEC. 14. Section 3109 of the Elections Code is amended and
 36 renumbered to read:

37 ~~3109.~~

38 *3110. If any ~~special absentee~~ military or overseas voter returns*
 39 *to the county of his or her residence, or for a military or overseas*
 40 *voter qualified pursuant to paragraph (3) of subdivision (b) of*

1 *Section 321, to the county in which the applicant's parent or legal*
2 *guardian resided when the parent or legal guardian last lived*
3 *within the territorial limits of the United States or the District of*
4 *Columbia, after the final day for making application for a vote by*
5 *mail ballot, he or she may appear before the elections official and*
6 *make application for registration, vote by mail ballot, or both. The*
7 *elections official shall register the voter, if he or she is not*
8 *registered, and deliver to him or her a vote by mail ballot which*
9 *may be voted in the elections official's office or voted outside the*
10 *elections official's office on or before the close of the polls on the*
11 *day of election and returned as are other vote by mail ballots.*

12 SEC. 15. Section 3110 of the Elections Code is amended and
13 renumbered to read:

14 ~~3110.~~

15 ~~3111.~~ If a ~~special absentee~~ *military or overseas* voter is unable
16 to appear at his or her polling place because of being recalled to
17 service after the final day for making application for a vote by mail
18 ballot, but before 5 p.m. on the day before the day of election, he
19 or she may appear before the elections official in the county in
20 which the ~~special absentee~~ *military or overseas* voter is registered
21 or, if within the state, in the county in which he or she is recalled
22 to service and make application for a vote by mail ballot, which
23 may be submitted by facsimile, or by e-mail or online transmission
24 if the elections official makes the transmission option available.
25 The elections official shall deliver to him or her a vote by mail
26 ballot which may be voted in the elections official's office or voted
27 outside the elections official's office on or before the close of the
28 polls on the day of election and returned as are other vote by mail
29 ballots. To be counted, the ballot ~~must~~ *shall* be returned to the
30 elections official's office in person, by facsimile transmission, or
31 by an authorized person on or before the close of the polls on the
32 day of the election. If the ~~special absentee~~ *military or overseas*
33 voter appears in the county in which he or she is recalled to service,
34 rather than the county to which he or she is registered, the elections
35 official shall coordinate with the elections official in the county
36 in which the ~~special absentee~~ *military or overseas* voter is
37 registered to provide the ~~absentee~~ ballot that contains the
38 appropriate measures and races for the precinct in which the ~~special~~
39 ~~absentee~~ *military or overseas* voter is registered.

1 SEC. 16. Section 3111 of the Elections Code is amended and
 2 renumbered to read:

3 ~~3111.~~

4 *3112.* Whenever by any statute of the United States, provision
 5 is made for vote by mail, an application for a vote by mail ballot
 6 made under that law may be given the same effect as an application
 7 for a vote by mail ballot made under this code.

8 If, by any federal statute, provision is made for the transmission
 9 of applications for vote by mail status to the Secretary of State, he
 10 or she shall transmit the applications to the county elections official
 11 of the county in which the applicant claims residence, *or for a*
 12 *military or overseas voter qualified pursuant to paragraph (3) of*
 13 *subdivision (b) of Section 321, to the county in which the*
 14 *applicant's parent or legal guardian resided when the parent or*
 15 *legal guardian last lived within the territorial limits of the United*
 16 *States or the District of Columbia.*

17 SEC. 17. Section 3112 of the Elections Code is amended and
 18 renumbered to read:

19 ~~3112.~~

20 *3113.* If by any act of Congress which is now or may become
 21 effective during the effective period of this section, provision is
 22 made for voting by ~~special absent voter~~ *military or overseas voters*,
 23 that act shall control and be superior to any conflicting provisions
 24 of this code, and all state, county, municipal, and district officers
 25 who are charged with the performance of duties with reference to
 26 the election laws of this state shall perform the duties and discharge
 27 the obligations placed upon them by that act of Congress. It is the
 28 purpose and intent of this section that full effect shall be given to
 29 ballots cast by ~~special absentee~~ *military or overseas voters* under
 30 federal statutes in order that no person shall be deprived of his or
 31 her vote by virtue of having cast his or her ballot under any federal
 32 statute rather than under the laws of this state.

33 SEC. 18. Section 3114 is added to the Elections Code, to read:

34 3114. (a) For an election for which this state has not received
 35 a waiver pursuant to the Military and Overseas Voter
 36 Empowerment Act (42 U.S.C. Sec. 1973ff et seq.), not later than
 37 60 days before the election or, if the 60th day before the election
 38 is a weekend or holiday, not later than the business day preceding
 39 the 60th day, the elections official shall transmit a ballot and

1 balloting materials to each military or overseas voter who by that
2 date submits a valid application pursuant to Section 3102.

3 (b) If a ballot application from a military or overseas voter
4 arrives after the 60th day before the election, the elections official
5 charged with distributing a ballot and balloting materials to that
6 voter shall transmit them to the voter not later than two business
7 days after the application arrives.

8 SEC. 19. Section 3115 is added to the Elections Code, to read:

9 3115. Notwithstanding Section 3020, a ballot cast by a military
10 or overseas voter shall be submitted by the voter for mailing by
11 the date necessary for the ballot to be received by the elections
12 official from whom it was obtained or by the precinct board no
13 later than the close of the polls on election day.

14 SEC. 20. Section 3116 is added to the Elections Code, to read:

15 3116. A military or overseas voter may use a federal write-in
16 absentee ballot to vote for all offices and ballot measures described
17 in subdivision (a) of Section 3102.

18 SEC. 21. Section 3117 is added to the Elections Code, to read:

19 3117. A valid ballot cast and submitted for mailing pursuant
20 to Section 3115 shall be counted if it is received by the close of
21 business on the day of the election.

22 SEC. 22. Section 3118 is added to the Elections Code, to read:

23 3118. The elections official shall include with the ballot a
24 declaration to be signed by the military or overseas voter that a
25 material misstatement of fact in completing the ballot may be
26 grounds for a conviction of perjury under the laws of this state or
27 the United States.

28 SEC. 23. Section 3119 is added to the Elections Code, to read:

29 3119. Elections officials shall implement an electronic free
30 access system by which a military or overseas voter may determine
31 by telephone, electronic mail, or Internet whether the military or
32 overseas voter's ballot has been received.

33 SEC. 24. Section 3120 is added to the Elections Code, to read:

34 3120. The elections official shall request an electronic mail
35 address from each military or overseas voter who registers to vote
36 after the effective date of this section. A military or overseas voter
37 who provides an electronic mail address may request that his or
38 her application for a ballot be considered a standing request for
39 electronic delivery of a ballot for all elections held through
40 December 31 of the year following the calendar year of the date

1 of the application or another shorter period the voter specifies. An
2 elections official shall provide a ballot to a military or overseas
3 voter who makes a standing request for each election to which the
4 request is applicable. A military or overseas voter who is entitled
5 to receive a ballot for a primary election is entitled to receive a
6 military or overseas ballot for the general election.

7 SEC. 25. Section 3121 is added to the Elections Code, to read:

8 3121. (a) At least 100 days before a regularly scheduled
9 election and as soon as practicable before a special election, each
10 elections official shall publish on his or her Internet Web site a list
11 of all of the ballot measures and federal, state, and local offices
12 that, as of that date, the elections official expects to be on the ballot
13 on the date of the election. The list shall also contain specific
14 instructions for how a voter is to indicate on a federal write-in
15 absentee ballot the voter's choice for each office to be filled and
16 for each ballot measure to be contested.

17 (b) A military or overseas voter may request a copy of the list
18 described in subdivision (a). The elections official shall send the
19 list to the voter by facsimile, electronic mail, or regular mail, as
20 the voter requests.

21 (c) As soon as practical, but no later than the date a ballot is
22 required to be transmitted to the voters, the elections official shall
23 update on his or her Internet Web site the list described in
24 subdivision (a) with the certified candidates for each office and
25 certified ballot measures and make the updated list publicly
26 available.

27 SEC. 26. Section 3122 is added to the Elections Code, to read:

28 3122. (a) If a military or overseas voter's mistake or omission
29 in the completion of a document under this chapter does not prevent
30 determining whether a military or overseas voter is eligible to vote,
31 the mistake or omission does not invalidate the document. Failure
32 to satisfy a nonsubstantive requirement, such as using paper or
33 envelopes of a specified size or weight, does not invalidate a
34 document submitted under this chapter. In a write-in ballot
35 authorized by this chapter, if the intention of the voter is discernible
36 under this state's uniform definition of what constitutes a vote, an
37 abbreviation, misspelling, or other minor variation in the form of
38 the name of a candidate or a political party shall be accepted as a
39 valid vote.

1 (b) Notarization is not required for the execution of a document
2 under this chapter. An authentication, other than the declaration
3 specified in Section 3106, 3117, or 3118 or the declaration on the
4 federal postcard application and federal write-in absentee ballot,
5 is not required for execution of a document under this chapter. The
6 declaration and any information in the declaration may be
7 compared with information on file to ascertain the validity of the
8 document.

9 SEC. 27. Section 3123 is added to the Elections Code, to read:

10 3123. A court may issue an injunction or grant other equitable
11 relief appropriate to ensure substantial compliance with, or enforce,
12 this chapter on application by either of the following:

13 (a) A military or overseas voter.

14 (b) An elections official in this state.

15 SEC. 28. Chapter 4 (commencing with Section 3300) of
16 Division 3 of the Elections Code is repealed.

17 SEC. 29. It is the intent and purpose of the Legislature that this
18 act comply with the federal mandate of the Uniformed and
19 Overseas Citizens Absentee Voting Act (42 U.S.C. Sec. 1973ff et
20 seq.) and implement the policies of that act and the Uniform
21 Military and Overseas Voter Act (UMOVA) adopted by the
22 National Conference of Commissioners on Uniform State Laws.

23 SEC. 30. If the Commission on State Mandates determines
24 that this act contains costs mandated by the state, reimbursement
25 to local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.