

AMENDED IN ASSEMBLY APRIL 16, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1929**

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**Introduced by Assembly Member ~~Cook~~ *Gorell***

February 22, 2012

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An act to amend Section 362 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1929, as amended, ~~Cook~~ *Gorell*. Elections: casting ballots.

Existing law provides for the conduct of elections generally. Existing law prohibits the use of a voting system for an election unless it has been approved as meeting specified criteria by the Secretary of State prior to the election. Existing law defines a voting system as any mechanical, electromechanical, or electronic system and its software, or any combination of these used to cast or tabulate votes, or both.

This bill would provide that “casting a ballot,” for purposes of the definition of a voting system, does not include the physical or electronic marking of a ballot, and is limited to the act of a voter submitting his or her marked ballot for tabulation at a polling place, through the mail, or, for special absentee voters, by facsimile transmission.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . 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 362 of the Elections Code is amended to  
2 read:

3 362. “Voting system” means—~~any~~ *a* mechanical,  
4 electromechanical, or electronic system and its software, or any  
5 combination of these used for casting a ballot, tabulating votes, or  
6 both. For purposes of this section, “casting a ballot” does not  
7 include the physical or electronic marking of a ballot, and is limited  
8 to the act of a voter submitting his or her marked ballot for  
9 tabulation at a polling place, through the mail, or, for special  
10 absentee voters, by facsimile transmission.

11 SEC. 2. This act is an urgency statute necessary for the  
12 immediate preservation of the public peace, health, or safety within  
13 the meaning of Article IV of the Constitution and shall go into  
14 immediate effect. The facts constituting the necessity are:

15 In order to avoid delays, prior to the upcoming statewide general  
16 election, that are caused by current voting systems that  
17 disenfranchise United States military personnel serving overseas  
18 by preventing ballots from being returned to elections officials in  
19 time to be counted, it is necessary that this act take effect  
20 immediately.