

AMENDED IN SENATE JUNE 26, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2080

Introduced by Assembly Member Gordon

February 23, 2012

An act to amend Section ~~11105~~ 3017 of the Elections Code, relating to ~~recall elections~~ *vote by mail ballots*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2080, as amended, Gordon. ~~Recall elections: state officers: signature verification.~~ *Vote by mail ballots.*

Existing law creates vote by mail ballots. After marking the ballot, vote by mail voters are required to return their ballots by mail or in person to the elections official from whom it came or in person to a member of a precinct board at a polling place within the jurisdiction. A vote by mail voter who is unable to return his or her ballot due to illness or physical disability may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household to return the ballot to the specified elections official or precinct board member.

This bill would eliminate the requirement that a vote by mail voter be ill or physically disabled in order to designate one of the above-mentioned persons to return his or her marked ballot.

~~(1) Existing provisions of the California Constitution and statute authorize the recall of state officers. Each section of a recall petition is required to be filed with the elections official of the county in which it was circulated. Existing law requires the elections official to report to the Secretary of State, 30 days after a recall has been initiated and every 30 days thereafter, the number of signatures submitted on the recall~~

~~petition sections, the number of valid signatures, and related information. Upon the submission of a section of a recall petition, if fewer than 500 signatures are submitted to the elections official, the elections official is required to count the number of signatures and submit those results to the Secretary of State. If 500 or more signatures are submitted to the elections official, the elections official may verify, using a random sampling technique, either 3% of the signatures submitted or 500 signatures, whichever is less, and report the results of that verification to the Secretary of State.~~

~~This bill would instead provide that if 500 or more signatures are submitted to the elections official, the elections official may verify, using a random sampling technique, either 3% of the signatures submitted or 500 signatures, whichever is greater. By increasing the duties of local election officials, the bill would impose a state-mandated local program.~~

~~(2) 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-no. State-mandated local program: yes-no.~~

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

1 SECTION 1. Section 3017 of the Elections Code is amended
 2 to read:
 3 3017. (a) All vote by mail ballots cast under this division shall
 4 be voted on or before the day of the election. After marking the
 5 ballot, the vote by mail voter shall do either of the following: (1)
 6 return the ballot by mail or in person to the elections official from
 7 whom it came or (2) return the ballot in person to ~~any~~ a member
 8 of a precinct board at ~~any~~ a polling place within the jurisdiction.
 9 However, a vote by mail voter who, ~~because of illness or other~~
 10 ~~physical disability~~, is unable to return the ballot, may designate
 11 his or her spouse, child, parent, grandparent, grandchild, brother,
 12 sister, or a person residing in the same household as the vote by
 13 mail voter to return the ballot to the elections official from whom

1 it came or to the precinct board at ~~any~~ a polling place within the
2 jurisdiction. The ballot must, however, be received by either the
3 elections official from whom it came or the precinct board before
4 the close of the polls on election day.

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

10 (c) On or before March 1, 2008, the elections official shall
11 establish procedures to track and confirm the receipt of voted vote
12 by mail ballots and to make this information available by means
13 of online access using the county's elections division Internet Web
14 site. If the county does not have an elections division Internet Web
15 site, the elections official shall establish a toll-free telephone
16 number that may be used to confirm the date a voted vote by mail
17 ballot was received.

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

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

29 SECTION 1. ~~Section 11105 of the Elections Code is amended~~
30 ~~to read:~~

31 ~~11105. Upon each submission, if fewer than 500 signatures~~
32 ~~are submitted to the elections official, he or she shall count the~~
33 ~~number of signatures and submit those results to the Secretary of~~
34 ~~State. If 500 or more signatures are submitted, the elections official~~
35 ~~may verify, using a random sampling technique, either 3 percent~~
36 ~~of the signatures submitted, or 500, whichever is greater. The~~
37 ~~random sample of signatures to be verified shall be drawn in a~~
38 ~~manner that every signature filed with the elections official shall~~
39 ~~be given an equal opportunity to be included in the sample. Upon~~
40 ~~completion of the signature verification, the elections official shall~~

1 ~~report the results to the Secretary of State pursuant to Section~~
2 ~~11104.~~

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.~~