

AMENDED IN ASSEMBLY MARCH 20, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 19

Introduced by Assembly Member Ting

December 3, 2012

An act to add Division 4.5 (commencing with Section 4500) to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 19, as amended, Ting. ~~Elections: online voting.~~ *Internet Voting Pilot Program.*

Existing law provides for voting at polling places, by vote by mail ballot, and in mail ballot elections. *Existing law prohibits a voting system from being connected to the Internet, electronically receiving or transmitting election data, or receiving or transmitting wireless communications or wireless data transfers.*

This bill would establish an Internet Voting Pilot Program under which a county may offer Internet voting as an additional method of voting in a local election held within the county, provided that specified conditions apply. The pilot program would be required to test the viability, accuracy, security, integrity, efficacy, accessibility, and public acceptance of an Internet voting system.

This bill would require the Secretary of State to certify an Internet voting system before it may be used by a county in conducting a pilot program. In order to certify the Internet voting system, this bill would require the Secretary of State to conduct a top-to-bottom review of the system and report on the system's accuracy, security, integrity, efficacy, and accessibility.

If a county conducts a pilot program, this bill would require the county to evaluate the program and the county’s experience with the Internet voting system and report thereon to the Legislature and the Secretary of State.

~~This bill would declare the intent of the Legislature to enact legislation that would require the Secretary of State to implement a pilot program whereby a county may enable voters to vote via the Internet.~~

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

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

1 SECTION 1. Division 4.5 (commencing with Section 4500) is
2 added to the Elections Code, to read:

3
4 DIVISION 4.5. INTERNET VOTING

5
6 CHAPTER 1. INTERNET VOTING PILOT PROGRAM

7
8 4500. For purposes of this chapter, the following terms have
9 the following meanings:

10 (1) “Internet voting” means the casting of a secure and secret
11 electronic ballot that is transmitted to the appropriate elections
12 official using the Internet.

13 (2) “Internet voting system” means a voting system that uses
14 electronic ballots and allows a voter to transmit his or her voted
15 electronic ballot to the appropriate elections official over the
16 Internet.

17 (3) “Program” means the Internet Voting Pilot Program
18 authorized by this chapter.

19 (4) “Top-to-bottom review” means a comprehensive and
20 rigorous examination and analysis of an Internet voting system.

21 4501. (a) Notwithstanding Section 19217 or any other
22 provision of law, in order to test the viability of conducting a public
23 election via the Internet a county may conduct an Internet Voting
24 Pilot Program under which the county may offer Internet voting
25 as an additional method of voting in a local election held within
26 the county, provided that all of the following are satisfied:

27 (1) The county board of supervisors authorizes the county to
28 conduct the program.

1 (2) *The election is a regularly scheduled or special county,*
2 *municipal, or district primary or general election. A local election*
3 *that includes a candidate for a federal or state office or a state*
4 *measure on the ballot is not eligible to be included in the program.*

5 (3) *The program uses an Internet voting system that was certified*
6 *by the Secretary of State prior to the election in the county at which*
7 *the system is to be first used.*

8 (4) *The Internet voting system is offered as an additional and*
9 *supplemental method of voting, but does not replace any other*
10 *method of voting or voting system in place within the county.*

11 (b) *The program shall test the viability, accuracy, security,*
12 *integrity, efficacy, accessibility, and public acceptance of an*
13 *Internet voting system certified by the Secretary of State.*

14 4502. (a) *A county, person, or corporation owning or being*
15 *interested in an Internet voting system may apply to the Secretary*
16 *of State to examine and certify the Internet voting system. The*
17 *applicant shall submit to the Secretary of State all relevant*
18 *documentation and information requested by the Secretary of State.*

19 (b) *Upon receiving an application to examine and certify an*
20 *Internet voting system, the Secretary of State shall conduct a*
21 *top-to-bottom review of the Internet voting system and report on*
22 *its accuracy, security, integrity, efficacy, and accessibility.*
23 *Notwithstanding any other provision of law, if the Secretary of*
24 *State's report states that the Internet voting system meets the*
25 *standards of accuracy, security, integrity, efficacy, and*
26 *accessibility, the Internet voting system shall be deemed certified*
27 *by the Secretary of State and may be used by a county in*
28 *conducting a program.*

29 (c) *The Secretary of State shall make public the top-to-bottom*
30 *review process and the results of each review.*

31 4503. (a) *If a county conducts a program, the county shall*
32 *evaluate the program and the county's experience with the Internet*
33 *voting system and shall report thereon to the Legislature and the*
34 *Secretary of State. The report shall include a summary of the*
35 *demographic information of voters who chose to use traditional*
36 *voting methods compared to those who chose to use Internet voting.*

37 (b) *A report to be submitted pursuant to subdivision (a) shall*
38 *be submitted in compliance with Section 9795 of the Government*
39 *Code.*

1 ~~SECTION 1. It is the intent of the Legislature to enact legislation~~
2 ~~that would require the Secretary of State to implement a pilot~~
3 ~~program whereby a county may enable voters to vote via the~~
4 ~~Internet.~~

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