

ASSEMBLY BILL

No. 1157

Introduced by Assembly Member Jones

February 22, 2013

An act to amend Section 3011 of, and to add Sections 3117.5 and 14216.5 to, the Elections Code, and to add Section 14902.5 to the Vehicle Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1157, as introduced, Jones. Elections: voting procedures.

(1) Existing law requires that the identification envelope for returning a vote by mail ballot contain specified information and that a vote by mail ballot be received by the issuing elections official or the precinct board no later than the close of polls on election day.

This bill would additionally require that the identification envelope include the last 4 digits of the voter's California driver's license or identification card number or, if unavailable, the last 4 digits of the voter's social security number and a security flap that would conceal the voter's identification information during mailing. The bill would require the Department of Motor Vehicles to waive the fee for an identification card requested to satisfy this provision. The bill would require the elections official to verify the accuracy of the identification information before counting the vote.

The bill would make an exception from the deadline for returning a vote by mail ballot for specified members of the military stationed outside of the United States, instead requiring that their vote by mail ballot be postmarked or signed and dated on or before election day and received by their elections official not later than 21 days after election day.

Because the bill would impose additional duties on elections officials, it would impose a state-mandated local program.

(2) Existing law requires that a person desiring to vote announce his or her name and address to a precinct worker at the polling place.

This bill would also require a person who desires to vote to show specified proof of identification. The bill would authorize a person who does not have proof of identification to vote a provisional ballot after completing an affidavit under penalty of perjury that he or she is a registered voter. The bill would require the Department of Motor Vehicles to waive the fee for an identification card requested for satisfying the voter identification requirement.

By imposing additional duties on elections officials and creating new crimes, the bill would impose a state-mandated local program.

(3) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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. This act shall be known and may be cited as the
2 Vote SAFE: Secure and Fair Elections Act.

3 SEC. 2. Section 3011 of the Elections Code is amended to read:
4 3011. (a) The identification envelope shall contain all of the
5 following *information*:

6 (1) A declaration, under penalty of perjury, stating that the voter
7 resides within the precinct in which he or she is voting and is the
8 person whose name appears on the envelope.

9 (2) The signature of the voter *and the last four digits of the*
10 *voter’s California driver’s license number or California*
11 *identification card number or, if the voter has neither, the last four*
12 *digits of the voter’s social security number. The signature and*

1 *numeric identifying information must be verified as consistent with*
2 *the voter's state or federal records before counting the ballot.*

3 (3) The residence address of the voter as shown on the affidavit
4 of registration.

5 (4) The date of signing.

6 (5) A notice that the envelope contains an official ballot and is
7 to be opened only by the canvassing board *if the signature and*
8 *numeric identifying information are verified.*

9 (6) A warning plainly stamped or printed on it that voting twice
10 constitutes a crime.

11 (7) A warning plainly stamped or printed on it that the voter
12 must sign the envelope in his or her own handwriting in order for
13 the ballot to be counted.

14 (8) A statement that the voter has neither applied, nor intends
15 to apply, for a vote by mail voter's ballot from any other
16 jurisdiction for the same election.

17 (9) The name of the person authorized by the voter to return the
18 vote by mail ballot pursuant to Section 3017.

19 (10) The relationship to the voter of the person authorized to
20 return the vote by mail ballot.

21 (11) The signature of the person authorized to return the vote
22 by mail ballot.

23 (12) *A security flap or sleeve to conceal the voter's signature*
24 *and identifying information during mailing.*

25 (b) Except at a primary election for partisan office, and
26 notwithstanding any other provision of law, the vote by mail voter's
27 party affiliation may not be stamped or printed on the identification
28 envelope.

29 (c) *An elections official shall verify that the information provided*
30 *pursuant to paragraph (2) of subdivision (a) is from the California*
31 *driver's license or California identification card or social security*
32 *number issued to the voter submitting the vote by mail ballot before*
33 *the vote may be counted.*

34 SEC. 3. Section 3117.5 is added to the Elections Code, to read:
35 3117.5. Notwithstanding Section 3020, 3117, or 4103, or any
36 other provision of law, a vote by mail ballot of a member of the
37 Armed Forces of the United States who is an "absent uniformed
38 services voter," as defined in subsection (1) of Section 1973ff-6
39 of Title 42 of the United States Code, shall be timely cast if
40 postmarked or signed and dated on or before election day and

1 received by the voter's elections official not later than 21 days
2 after election day.

3 SEC. 4. Section 14216.5 is added to the Elections Code, to
4 read:

5 14216.5. (a) Prior to receiving a ballot, a voter shall present
6 to a member of the precinct board proof of identification that
7 satisfies all of the following requirements:

8 (1) The document shows the name of the individual to whom
9 the document was issued, and the name conforms to the name in
10 the individual's voter registration record.

11 (2) The document shows a photograph of the individual
12 presenting the identification.

13 (3) The document includes an expiration date, and the document
14 is not expired at the time of voting or expired less than two years
15 prior to the general election.

16 (4) The document was issued by the United States or the State
17 of California or is a valid tribal member identification card issued
18 by an Indian tribe recognized by the United States government.

19 (b) If a voter is unable to, or refuses to, provide proof of
20 identification pursuant to subdivision (a), he or she may execute
21 a declaration, certified to be correct under penalty of perjury,
22 declaring that he or she is registered to vote. Upon execution of
23 the declaration, the voter shall be issued a provisional ballot
24 pursuant to Section 14310 and an envelope to be completed in the
25 same manner as a vote by mail envelope.

26 SEC. 5. Section 14902.5 is added to the Vehicle Code, to read:

27 14902.5. The fee for an original or replacement identification
28 card shall be waived for a person who requests the identification
29 card for purposes of satisfying the requirement of Section 3011 or
30 14216.5 of the Elections Code.

31 SEC. 6. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution for certain
33 costs that may be incurred by a local agency or school district
34 because, in that regard, this act creates a new crime or infraction,
35 eliminates a crime or infraction, or changes the penalty for a crime
36 or infraction, within the meaning of Section 17556 of the
37 Government Code, or changes the definition of a crime within the
38 meaning of Section 6 of Article XIII B of the California
39 Constitution.

1 However, if the Commission on State Mandates determines that
2 this act contains other costs mandated by the state, reimbursement
3 to local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

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