

**ASSEMBLY BILL**

**No. 1836**

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**Introduced by Assembly Member Jones**

February 18, 2014

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An act to amend Sections 3011 and 3017 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1836, as introduced, Jones. Vote by mail ballots.

Existing law creates vote by mail ballots. After marking the ballot, a vote by mail voter is required to return his or her ballot 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 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. Existing law requires that the identification envelope for returning a vote by mail ballot contain specified information, including the name and signature of the person authorized by the voter to return the vote by mail ballot.

This bill would require the elections official to provide each polling place with a blank roster for recording specified information from persons returning a vote by mail ballot, including the name and residence address of the person authorized by the voter to return the voter's vote by mail ballot. This bill would also require that the identification envelope contain the address of the person authorized by the voter to return the vote by mail ballot.

By imposing additional duties on local elections officials, this bill imposes 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 3011 of the Elections Code is amended  
2 to read:

3 3011. (a) The identification envelope shall contain all of the  
4 following:

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

8 (2) The signature of the voter.

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

11 (4) The date of signing.

12 (5) A notice that the envelope contains an official ballot and is  
13 to be opened only by the canvassing board.

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

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

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

22 (9) The name *and residence address* of the person authorized  
23 by the voter to return the vote by mail ballot pursuant to Section  
24 3017.

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

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

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

7 SEC. 2. Section 3017 of the Elections Code is amended to read:

8 3017. (a) All vote by mail ballots cast under this division shall  
9 be voted on or before the day of the election. After marking the  
10 ballot, the vote by mail voter shall do either of the following: (1)  
11 return the ballot by mail or in person to the elections official from  
12 whom it came or (2) return the ballot in person to a member of a  
13 precinct board at a polling place within the jurisdiction. However,  
14 a vote by mail voter who is unable to return the ballot may  
15 designate his or her spouse, child, parent, grandparent, grandchild,  
16 brother, sister, or a person residing in the same household as the  
17 vote by mail voter to return the ballot to the elections official from  
18 whom it came or to the precinct board at a polling place within  
19 the jurisdiction. The ballot must, however, be received by either  
20 the elections official from whom it came or the precinct board  
21 before the close of the polls on election day.

22 (b) The elections official shall establish procedures to ensure  
23 the secrecy of a ballot returned to a precinct polling place and the  
24 security, confidentiality, and integrity of any personal information  
25 collected, stored, or otherwise used pursuant to this section.

26 (c) (1) *The elections official shall provide each polling place*  
27 *with a blank roster for recording the following information from*  
28 *each person returning a vote by mail ballot:*

29 (A) *The name of the vote by mail voter.*

30 (B) *The name of the person authorized by the voter to return*  
31 *the vote by mail ballot.*

32 (C) *The signature of the person authorized by the voter to return*  
33 *the vote by mail ballot.*

34 (D) *The residence address of the person authorized by the voter*  
35 *to return the vote by mail ballot.*

36 (E) *The relationship to the voter of the person authorized to*  
37 *return the vote by mail ballot.*

38 (2) *Before returning a vote by mail ballot to an elections official,*  
39 *the voter or person authorized by the voter to return the ballot*  
40 *shall have filled in the information required by this subdivision.*

1 (3) *The roster shall be preserved with other elections documents.*

2 (~~e~~)

3 (d) On or before March 1, 2008, the elections official shall  
4 establish procedures to track and confirm the receipt of voted vote  
5 by mail ballots and to make this information available by means  
6 of online access using the county’s elections division Internet Web  
7 site. If the county does not have an elections division Internet Web  
8 site, the elections official shall establish a toll-free telephone  
9 number that may be used to confirm the date a voted vote by mail  
10 ballot was received.

11 (~~d~~)

12 (e) The provisions of this section are mandatory, not directory,  
13 and a ballot shall not be counted if it is not delivered in compliance  
14 with this section.

15 (~~e~~)

16 (f) Notwithstanding subdivision (a), a vote by mail voter’s ballot  
17 shall not be returned by a paid or volunteer worker of a general  
18 purpose committee, controlled committee, independent expenditure  
19 committee, political party, candidate’s campaign committee, or  
20 any other group or organization at whose behest the individual  
21 designated to return the ballot is performing a service. However,  
22 this subdivision does not apply to a candidate or a candidate’s  
23 spouse.

24 SEC. 3. If the Commission on State Mandates determines that  
25 this act contains costs mandated by the state, reimbursement to  
26 local agencies and school districts for those costs shall be made  
27 pursuant to Part 7 (commencing with Section 17500) of Division  
28 4 of Title 2 of the Government Code.