

AMENDED IN ASSEMBLY MARCH 11, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1836

Introduced by Assembly Member Jones

February 18, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1836, as amended, 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. *This bill would require the person*

authorized to return the voter’s vote by mail ballot to present proof of his or her identity and residency, as specified. If the person is unable to present proof of identification or residency, this bill would require the elections official or precinct board member to contact the voter to verify that the person is authorized to return the voter’s vote by mail ballot. This bill would prohibit a voter’s vote by mail ballot from being counted unless the person returning the ballot presents proof of his or her identity and residency or the elections official or precinct board member verifies that the person is authorized by the voter to return the 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.

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

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

7 (9) The name and residence address of the person authorized
8 by the voter to return the vote by mail ballot pursuant to Section
9 3017.

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

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

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

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

19 3017. (a) All vote by mail ballots cast under this division shall
20 be voted on or before the day of the election. After marking the
21 ballot, the vote by mail voter shall do either of the following: (1)
22 return the ballot by mail or in person to the elections official from
23 whom it came or (2) return the ballot in person to a member of a
24 precinct board at a polling place within the jurisdiction. However,
25 a vote by mail voter who is unable to return the ballot may
26 designate his or her spouse, child, parent, grandparent, grandchild,
27 brother, sister, or a person residing in the same household as the
28 vote by mail voter to return the ballot to the elections official from
29 whom it came or to the precinct board at a polling place within
30 the jurisdiction. The ballot must, however, be received by either
31 the elections official from whom it came or the precinct board
32 before the close of the polls on election day.

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

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

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

1 (B) The name of the person authorized by the voter to return
 2 the vote by mail ballot.

3 (C) The signature of the person authorized by the voter to return
 4 the vote by mail ballot.

5 (D) The residence address of the person authorized by the voter
 6 to return the vote by mail ballot.

7 (E) The relationship to the voter of the person authorized to
 8 return the vote by mail ballot.

9 (2) Before returning a vote by mail ballot to an elections ~~official,~~
 10 *official or a member of a precinct board,* the voter or person
 11 authorized by the voter to return the ballot shall have filled in the
 12 information required by this subdivision, *and the person authorized*
 13 *by the voter to return the vote by mail ballot shall present proof*
 14 *of his or her identity and residency, which shall match his or her*
 15 *name and residence address printed on the identification envelope.*
 16 *For purposes of this paragraph, proof of identity and residency*
 17 *shall consist of a current and valid photographic identification or*
 18 *a copy of a current utility bill, bank statement, government check,*
 19 *paycheck, or other government document that shows the name and*
 20 *address of the person. If a person is unable to present proof of his*
 21 *or her identity or residency, the elections official or precinct board*
 22 *member shall contact the voter to verify that the person is*
 23 *authorized to return the voter's vote by mail ballot. The voter's*
 24 *vote by mail ballot shall not be counted unless the person returning*
 25 *the ballot presents proof of identity and residency or the elections*
 26 *official or precinct board member verifies that the person is*
 27 *authorized to return the ballot.*

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

29 (d) On or before March 1, 2008, the elections official shall
 30 establish procedures to track and confirm the receipt of voted vote
 31 by mail ballots and to make this information available by means
 32 of online access using the county's elections division Internet Web
 33 site. If the county does not have an elections division Internet Web
 34 site, the elections official shall establish a toll-free telephone
 35 number that may be used to confirm the date a voted vote by mail
 36 ballot was received.

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

1 (f) Notwithstanding subdivision (a), a vote by mail voter's ballot
2 shall not be returned by a paid or volunteer worker of a general
3 purpose committee, controlled committee, independent expenditure
4 committee, political party, candidate's campaign committee, or
5 any other group or organization at whose behest the individual
6 designated to return the ballot is performing a service. However,
7 this subdivision does not apply to a candidate or a candidate's
8 spouse.

9 SEC. 3. If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.

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