

ASSEMBLY BILL

No. 2562

Introduced by Assembly Member Fong

February 21, 2014

An act to amend Sections 14300, 17301, and 17302 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL’S DIGEST

AB 2562, as introduced, Fong. Elections: ballots.

Existing law regulates generally the issuing of ballots on election day as well as the use of direct recording electronic voting systems. Existing law defines the terms “direct recording electronic voting system” and “paper record copy” for purposes of these provisions.

This bill would correct erroneous cross references to the code section that defines those terms.

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

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

- 1 SECTION 1. Section 14300 of the Elections Code is amended
2 to read:
3 14300. (a) In the case of an election for a state or federal office,
4 each polling place using a direct recording electronic voting system,
5 as defined by Section ~~19254~~ 19271, the elections official shall
6 provide paper ballots equivalent to the following percentages:
7 (1) For a statewide general election, no less than 10 percent of
8 the registered voters in the polling place.

1 (2) For a statewide direct primary election, for each partisan
 2 ballot form for which at least 10 percent of the registered voters
 3 in the polling place are eligible to request, no less than 5 percent
 4 of the registered voters in the precinct eligible to request that ballot
 5 form at the polling place. For nonpartisan voters, the total number
 6 of paper ballots among all ballot forms that they are eligible to
 7 request shall be no less than 5 percent of registered nonpartisan
 8 voters at the polling place.

9 (3) For any other state or federal election contest, no less than
 10 5 percent of registered voters at the polling place.

11 (4) For purposes of this section, the number of registered voters
 12 shall be based on the registration on the 88th day prior to the day
 13 of the election.

14 (b) The elections official shall establish procedures for the use
 15 of the paper ballots described in this section in the event the direct
 16 recording electronic voting system becomes nonfunctional.

17 (c) Upon request, the precinct board shall provide a paper ballot
 18 to a voter, regardless of the availability of the direct recording
 19 electronic voting system, as long as supplies remain available.

20 (d) The paper ballots described in this section may consist of
 21 provisional ballots.

22 (e) Any vote cast on a provisional ballot subject to this section
 23 by an otherwise qualified voter shall be counted as a regular ballot
 24 and shall not be subject to the requirements of Section 14310.

25 SEC. 2. Section 17301 of the Elections Code is amended to
 26 read:

27 17301. (a) The following provisions shall apply to those
 28 elections where candidates for one or more of the following offices
 29 are voted upon: President, Vice President, United States Senator,
 30 and United States Representative.

31 (b) The packages containing the following ballots and
 32 identification envelope shall be kept by the elections official,
 33 unopened and unaltered, for 22 months from the date of the
 34 election:

- 35 (1) Voted polling place ballots.
- 36 (2) Paper record copies, as defined by Section ~~19251~~ 19271, if
 37 any, of voted polling place ballots.
- 38 (3) Voted vote by mail voter ballots.
- 39 (4) Vote by mail voter identification envelopes.
- 40 (5) Voted provisional voter ballots.

- 1 (6) Provisional ballot voter identification envelopes.
- 2 (7) Spoiled ballots.
- 3 (8) Canceled ballots.
- 4 (9) Unused vote by mail ballots surrendered by the voter
- 5 pursuant to Section 3015.
- 6 (10) Ballot receipts.

7 (c) If a contest is not commenced within the 22-month period,
8 or if a criminal prosecution involving fraudulent use, marking or
9 falsification of ballots, or forgery of vote by mail voters' signatures
10 is not commenced within the 22-month period, either of which
11 may involve the vote of the precinct from which voted ballots were
12 received, the elections official shall have the ballots destroyed or
13 recycled. The packages shall otherwise remain unopened until the
14 ballots are destroyed or recycled.

15 SEC. 3. Section 17302 of the Elections Code is amended to
16 read:

17 17302. (a) The following provisions shall apply to all state or
18 local elections not provided for in subdivision (a) of Section 17301.
19 An election is not deemed a state or local election if votes for
20 candidates for federal office may be cast on the same ballot as
21 votes for candidates for state or local office.

22 (b) The packages containing the following ballots and
23 identification envelopes shall be kept by the elections official,
24 unopened and unaltered, for six months from the date of the
25 election:

- 26 (1) Voted polling place ballots.
- 27 (2) Paper record copies, as defined by Section ~~19254~~ 19271, if
- 28 any, of voted polling place ballots.
- 29 (3) Voted vote by mail voter ballots.
- 30 (4) Vote by mail voter identification envelopes.
- 31 (5) Voted provisional voter ballots.
- 32 (6) Provisional ballot voter identification envelopes.
- 33 (7) Spoiled ballots.
- 34 (8) Canceled ballots.
- 35 (9) Unused vote by mail ballots surrendered by the voter
- 36 pursuant to Section 3015.
- 37 (10) Ballot receipts.

38 (c) If a contest is not commenced within the six-month period,
39 or if a criminal prosecution involving fraudulent use, marking or
40 falsification of ballots, or forgery of vote by mail voters' signatures

1 is not commenced within the six-month period, either of which
2 may involve the vote of the precinct from which voted ballots were
3 received, the elections official shall have the packages destroyed
4 or recycled. The packages shall otherwise remain unopened until
5 the ballots are destroyed or recycled.

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