

Introduced by Senator BeallJanuary 15, 2013

An act to amend Section 354.5 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 111, as introduced, Beall. Elections: voter signature.

Existing law authorizes certain persons to use a signature stamp to affix a signature to various elections documents. Existing law prohibits a voter from using a signature stamp until the signature stamp is used by the voter to sign an affidavit of registration in the presence of a county elections official.

Existing law, which will become operative after the Secretary of State certifies that the state has a statewide voter registration database that complies with the federal Help America Vote Act or executes a prescribed declaration, requires the Department of Motor Vehicles and the secretary to develop a process and infrastructure to allow the electronic copy of a person's signature and other information to be transferred to the secretary for the purpose of allowing a person to register to vote electronically on the secretary's Internet Web site.

This bill would, after those provisions become operative, additionally authorize certain registered voters to use a signature stamp if the voter submits an affidavit of registration electronically utilizing a signature stamp that has been approved by the department and transmitted to the secretary.

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

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

1 SECTION 1. Section 354.5 of the Elections Code is amended
2 to read:

3 354.5. (a) “Signature” includes either of the following:

4 (1) A person’s mark if the name of the person affixing the mark
5 is written near the mark by a witness over 18 years of age
6 designated by the person and the designee subscribes his or her
7 own name as a witness thereto. For purposes of this paragraph, a
8 signature stamp may be used as a mark, provided that the
9 authorized user complies with the provisions of this paragraph.

10 (2) An impression made by the use of a signature stamp pursuant
11 to the requirements specified in subdivision (c).

12 (b) A mark attested as provided in paragraph (1) of subdivision
13 (a), or an impression made by a signature stamp as provided in
14 paragraph (2) of subdivision (a), may serve as a signature for any
15 purpose specified in this code, including a sworn statement.

16 (c) An authorized user of a signature stamp may use it to affix
17 a signature to a document or writing any time that a signature is
18 required by this code, provided that all of the following conditions,
19 as applicable, are met:

20 (1) A signature stamp used to obtain a ballot or vote by mail
21 ballot in any local, state, or federal election shall be used only by
22 the authorized user of that signature stamp.

23 (2) A signature stamp shall be affixed by the authorized user in
24 the presence of the Secretary of State, his or her designee, the local
25 elections official, or his or her designee, to obtain a ballot, in any
26 local, state, or federal election unless the authorized user of the
27 signature stamp votes by vote by mail ballot. If the owner of a
28 signature stamp votes by vote by mail ballot, he or she shall affix
29 the signature stamp on the identification envelope in accordance
30 with Section 3019.

31 (d) A signature affixed with a signature stamp by an authorized
32 user in accordance with this section shall be treated in the same
33 manner as a signature made in writing.

34 (e) A registered voter or any person who is eligible to vote, who
35 qualifies as an authorized user pursuant to paragraph (1) of
36 subdivision ~~(g)~~ (f), may use a signature stamp only after he or she
37 first submits his or her affidavit of registration or a new affidavit
38 of registration, ~~whichever is applicable, in the presence of a county~~

1 elections official, using the signature stamp to sign the affidavit,
2 by one of the following means:

3 (1) Using the signature stamp to sign the affidavit in the
4 presence of a county elections official.

5 (2) After Chapter 2.5 (commencing with Section 2196) of
6 Division 2 becomes operative, by submitting an affidavit pursuant
7 to Section 2196 that utilizes a signature stamp that has been
8 approved by the Department of Motor Vehicles and transmitted
9 to the Secretary of State.

10 ~~(f) The Secretary of State shall report to the Legislature not later
11 than January 1, 2009, regarding the use of signature stamps during
12 the 2008 elections.~~

13 ~~(g)~~

14 (f) The following definitions apply for purposes of this section:

15 (1) "Authorized user" means either of the following:

16 (A) A person with a disability who, by reason of that disability,
17 is unable to write and who owns a signature stamp.

18 (B) A person using the signature stamp on behalf of the owner
19 of the stamp with the owner's express consent and in the presence
20 of the owner.

21 (2) "Disability" means a medical condition, mental disability,
22 or physical disability, as those terms are defined in subdivisions
23 (i), (j), and (l) of Section 12926 of the Government Code.

24 (3) "Signature stamp" means a stamp that contains the
25 impression of any of the following:

26 (A) The actual signature of a person with a disability.

27 (B) A mark or symbol that is adopted by the person with the
28 disability.

29 (C) A signature of the name of a person with a disability that is
30 made by another person and is adopted by the person with the
31 disability.