

Senate Bill No. 362

Passed the Senate August 30, 2013

Secretary of the Senate

Passed the Assembly August 26, 2013

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Sections 336.7 and 3021.5 to the Elections Code, relating to voting.

LEGISLATIVE COUNSEL'S DIGEST

SB 362, Padilla. Voting procedures: natural disasters.

Existing law designates the Secretary of State as the chief elections officer of the state and requires him or her to study and adopt regulations governing the use of voting machines, voting devices, vote tabulating devices, and ballot marking systems. Existing law also establishes procedures for the marking and counting of ballots in the case of electrical failure or other emergency.

This bill would make legislative findings relating to natural disasters outside California and their effect on a state resident's ability to vote. The bill would, upon the declaration of an out-of-state emergency by the Governor and the issuance of an executive order authorizing an out-of-state emergency worker, as defined, to cast a ballot outside of his or her home precinct, require a county elections official to issue an out-of-state emergency worker a vote by mail ballot upon that worker's request. By imposing a new duty on local officials, the bill would impose 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.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Natural disasters outside California can affect a state resident's ability to vote. Earthquakes, hurricanes, and other disasters can destroy or damage election infrastructure, including the electrical and telecommunications grid and polling places, disrupt the delivery of vote by mail ballots by the United States Postal Service, and displace election officials and interrupt their duties.

(b) California residents volunteer to help victims of natural disasters, including their family members. California voters, such as firefighters, police officers, National Guardsmen, utility workers, and average citizens travel to areas affected by disasters for extended periods of time to help with recovery efforts that can include other states and countries. Disasters and volunteer efforts can occur close to an election and affect a volunteer's ability to vote.

(c) Currently, neither the Governor, the Secretary of State, nor county elections officials have the authority to establish procedures and guidelines to specifically allow residents affected by an out-of-state disaster to vote.

SEC. 2. Section 336.7 is added to the Elections Code, to read:

336.7. "Out-of-state emergency worker" means a voter who is officially engaged in responding to the proclamation of an out-of-state emergency and whose vocation has been identified in an executive order relating to the state of emergency.

SEC. 3. Section 3021.5 is added to the Elections Code, to read:

3021.5. (a) Upon the declaration of an out-of-state emergency by the Governor and the issuance of an executive order authorizing an out-of-state emergency worker to cast a ballot outside of his or her home precinct, a county elections official shall, upon request of an out-of-state emergency worker pursuant to this chapter, issue a vote by mail ballot to the out-of-state emergency worker using a process to be determined by that elections official. The process shall include all of the following:

(1) Authorization for an out-of-state emergency worker to request a vote by mail ballot after the close of the vote by mail ballot application period specified in Section 3001.

(2) Authorization for a vote by mail ballot and accompanying voting materials to be sent to an out-of-state emergency worker by mail, facsimile transmission, or electronic transmission, as requested by the out-of-state emergency worker. An elections

official may use reasonable facsimiles of the sample ballots sent to voters as vote by mail ballots.

(3) A requirement that an out-of-state emergency worker mark the vote by mail ballot provided to him or her, place it in the vote by mail ballot identification envelope, and return the vote by mail ballot to the elections official from whom it was obtained. If no identification envelope is provided, the envelope used to return the vote by mail ballot to the elections official shall include the information required by subdivision (a) of Section 3011 and a statement signed under penalty of perjury that the voter is an out-of-state emergency worker.

(b) In order to be counted, a vote by mail ballot cast pursuant to this section shall be received in compliance with Section 3020.

(c) An elections official shall receive and canvass vote by mail ballots cast pursuant to this section by the same procedure as for all other vote by mail ballots cast pursuant to this chapter.

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

Approved _____, 2013

Governor