

AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 589**

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**Introduced by Senator Hill**  
(Coauthor: Assembly Member Mullin)

February 22, 2013

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An act to ~~amend~~ add Section 13305 to, and to repeal and add Section 3019 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 589, as amended, Hill. Vote by mail ballots: *sample ballots*.

Existing law sets forth procedures for voting by mail and requires the local elections official to compare the signature on *the identification envelope* of a vote by mail ballot with the voter's signature that appears on ~~the~~ *his or her* affidavit of registration. *If the signatures compare, existing law requires the elections official to deposit the ballot in a ballot container. If the ballot is rejected because the signatures do not compare, existing law requires that the ballot not be counted and that the cause of the rejection be written on the face of the identification envelope.* Existing law also requires the elections official to establish procedures to track and confirm the receipt of vote by mail ballots that are voted and to make that information available by means of online access using the county's elections division Internet Web site, or, if it has no Internet Web site, by a toll-free telephone number that may be used to confirm the date the ballot was received.

*This bill would permit the county elections official to compare the signature on the identification envelope of a vote by mail ballot with the signature that appears on the voter's current or previous affidavit of registration on file with the elections official. This bill would require the ~~local~~ elections official to establish a free access system by which a*

vote by mail voter may ~~find out~~ *learn* whether his or her ballot was counted and, if not, the reason why it was not counted, ~~thereby imposing a state-mandated local program.~~ *This bill would require the elections official to make the free access system available to a vote by mail voter for at least 30 days immediately following the completion of the official canvass.*

*By requiring elections officials to provide a higher level of service, the bill would impose a state-mandated local program.*

*Existing law requires the appropriate elections official to prepare sample ballots for each election and to cause to be printed at least as many copies of the sample ballot as there are voters in each voting precinct. Existing law requires the elections official to mail a sample ballot to each voter who registered at least 29 days prior to the election.*

*This bill would permit the elections official to elect not to mail a sample ballot to a voter if specified conditions are satisfied. For each voter to whom the elections official elects not to mail a sample ballot, this bill would permit the elections official to cause to be printed one less copy of the sample ballot.*

*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 no reimbursement is required by this act for a specified reason.*

~~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 3019 of the Elections Code is repealed.*
- 2 ~~3019. Upon receipt of the vote by mail ballot the elections~~
- 3 ~~official shall compare the signature on the envelope with that~~
- 4 ~~appearing on the affidavit of registration and, if they compare,~~

1 deposit the ballot, still in the identification envelope, in a ballot  
2 container in his or her office. A variation of the signature caused  
3 by the substitution of initials for the first or middle name, or both,  
4 shall not invalidate the ballot. If the ballot is rejected because the  
5 signatures do not compare, the envelope shall not be opened and  
6 the ballot shall not be counted. The cause of the rejection shall be  
7 written on the face of the identification envelope.

8 If the elections official has compared the signature of the voter's  
9 application with the affidavit pursuant to Section 3009, the  
10 application may be used rather than the affidavit to make the  
11 signature check required by this section.

12 No ballot shall be removed from its identification envelope until  
13 the time for processing. No ballot shall be rejected for cause after  
14 the envelope has been opened.

15 In determining from the records of registration if the signature  
16 and residence address on the identification envelope appear to be  
17 the same as that on the affidavit of registration, the elections official  
18 or registrar of voters may use the duplicate file of affidavits of  
19 registered voters or the facsimiles of voters' signatures, provided  
20 that the method of preparing and displaying the facsimiles complies  
21 with the law.

22 *SEC. 2. Section 3019 is added to the Elections Code, to read:*

23 *3019. (a) Upon receipt of a vote by mail ballot, the county*  
24 *elections official shall compare the signature on the identification*  
25 *envelope with any of the following to determine whether the*  
26 *signatures compare:*

27 *(1) The signature appearing on the voter's current or previous*  
28 *affidavit of registration on file with the elections official.*

29 *(2) The signature appearing on the voter's vote by mail ballot*  
30 *application, provided the elections official has compared the*  
31 *signature on the voter's vote by mail ballot application with the*  
32 *signature on the voter's affidavit of registration pursuant to Section*  
33 *3009.*

34 *(b) In comparing signatures pursuant to subdivision (a), the*  
35 *elections official may use the duplicate file of affidavits of*  
36 *registered voters or facsimiles of voters' signatures, provided that*  
37 *the method of preparing and displaying the facsimiles complies*  
38 *with the law.*

39 *(c) The variation of a signature caused by the substitution of*  
40 *initials for the first or middle name, or both, shall not be grounds*

1 for the elections official to determine that the signatures do not  
2 compare.

3 (d) A ballot shall not be removed from its identification envelope  
4 until the time for processing ballots. A ballot shall not be rejected  
5 for cause after the identification envelope has been opened.

6 (e) (1) If, upon conducting the comparison of signatures  
7 pursuant to subdivision (a), the elections official determines that  
8 the signatures compare, he or she shall deposit the ballot, still in  
9 the identification envelope, in a ballot container in his or her office.

10 (2) If, upon conducting the comparison of signatures pursuant  
11 to subdivision (a), the elections official determines that the  
12 signatures do not compare, the identification envelope shall not  
13 be opened and the ballot shall not be counted. The cause of the  
14 rejection shall be written on the face of the identification envelope.

15 (f) The county elections official shall establish a free access  
16 system that allows a vote by mail voter to learn whether his or her  
17 vote by mail ballot was counted and, if not, the reason why the  
18 ballot was not counted. For each election, the elections official  
19 shall make the free access system available to a vote by mail voter  
20 for at least 30 days immediately following the completion of the  
21 official canvass.

22 SEC. 3. Section 13305 is added to the Elections Code, to read:

23 13305. (a) Notwithstanding Sections 13300 and 13303, a  
24 county elections official may elect not to mail a sample ballot to  
25 a voter if all of the following are satisfied:

26 (1) The voter is one of the following:

27 (A) A permanent vote by mail voter pursuant to Chapter 3  
28 (commencing with Section 3200) of Division 3.

29 (B) A voter in a mail ballot election conducted pursuant to  
30 Division 4 (commencing with Section 4000).

31 (C) A voter in a precinct in which an election is conducted  
32 pursuant to Section 3005.

33 (2) The county elections official prepares and mails to each  
34 voter a voter information guide. The voter information guide shall  
35 include all of the information required to be included in, and shall  
36 be accompanied by all the election materials required to  
37 accompany, the sample ballot, except for both of the following:

38 (A) An application for a vote by mail ballot.

39 (B) A notice that a vote by mail ballot application is enclosed.

1 (3) The voter is furnished with an official ballot pursuant to  
2 Section 3005 or 3010.

3 (b) Notwithstanding subdivision (a) of Section 13303, for each  
4 voter to whom the elections official elects not to mail a sample  
5 ballot pursuant to subdivision (a), the elections official may cause  
6 to be printed one less copy of the sample ballot.

7 SEC. 4. No reimbursement is required by this act pursuant to  
8 Section 6 of Article XIII B of the California Constitution because  
9 this act provides for offsetting savings to local agencies or school  
10 districts that result in no net costs to the local agencies or school  
11 districts, within the meaning of Section 17556 of the Government  
12 Code.

13 SECTION 1. ~~Section 3019 of the Elections Code is amended~~  
14 ~~to read:~~

15 ~~3019. Upon receipt of the vote by mail ballot, the elections~~  
16 ~~official shall compare the signature on the envelope with that~~  
17 ~~appearing on the affidavit of registration and, if they compare,~~  
18 ~~deposit the ballot, still in the identification envelope, in a ballot~~  
19 ~~container in his or her office. A variation of the signature caused~~  
20 ~~by the substitution of initials for the first or middle name, or both,~~  
21 ~~shall not invalidate the ballot. If the ballot is rejected because the~~  
22 ~~signatures do not compare, the envelope shall not be opened and~~  
23 ~~the ballot shall not be counted. The cause of the rejection shall be~~  
24 ~~written on the face of the identification envelope.~~

25 ~~If the elections official has compared the signature of the voter's~~  
26 ~~application with the affidavit pursuant to Section 3009, the~~  
27 ~~application may be used rather than the affidavit to make the~~  
28 ~~signature check required by this section.~~

29 ~~No ballot shall be removed from its identification envelope until~~  
30 ~~the time for processing. No ballot shall be rejected for cause after~~  
31 ~~the envelope has been opened.~~

32 ~~In determining from the records of registration if the signature~~  
33 ~~and residence address on the identification envelope appear to be~~  
34 ~~the same as those on the affidavit of registration, the elections~~  
35 ~~official or registrar of voters may use the duplicate file of affidavits~~  
36 ~~of registered voters or the facsimiles of voters' signatures, provided~~  
37 ~~that the method of preparing and displaying the facsimiles complies~~  
38 ~~with the law.~~

39 ~~The elections official shall establish a free access system that~~  
40 ~~allows a vote by mail voter to find out whether his or her vote by~~

1 mail ballot was counted and, if not, the reason why the ballot was  
2 not counted.

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