

AMENDED IN ASSEMBLY JUNE 4, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 589

Introduced by Senator Hill
(Coauthor: Assembly Member Mullin)

February 22, 2013

An act to *amend Section 3019 of, and to 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 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 county elections official to establish a free access system by which a vote by mail voter may learn whether his or her ballot was counted and, if not, the reason why it was not counted. 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 upon completion of the official canvass and for 30 days thereafter.~~

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.

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 ~~SEC. 2. Section 3019 is added to the Elections Code, to read:~~
- 3 ~~3019. (a) Upon receipt of a vote by mail ballot, the county~~
- 4 ~~elections official shall compare the signature on the identification~~
- 5 ~~envelope with any of the following to determine whether the~~
- 6 ~~signatures compare:~~
- 7 ~~(1) The signature appearing on the voter's current or previous~~
- 8 ~~affidavit of registration on file with the elections official.~~
- 9 ~~(2) The signature appearing on the voter's vote by mail ballot~~
- 10 ~~application, provided the elections official has compared the~~
- 11 ~~signature on the voter's vote by mail ballot application with the~~

1 signature on the voter's affidavit of registration pursuant to Section
2 3009.

3 ~~(b) In comparing signatures pursuant to subdivision (a), the~~
4 ~~elections official may use the duplicate file of affidavits of~~
5 ~~registered voters or facsimiles of voters' signatures, provided that~~
6 ~~the method of preparing and displaying the facsimiles complies~~
7 ~~with the law.~~

8 ~~(c) The variation of a signature caused by the substitution of~~
9 ~~initials for the first or middle name, or both, shall not be grounds~~
10 ~~for the elections official to determine that the signatures do not~~
11 ~~compare.~~

12 ~~(d) A ballot shall not be removed from its identification envelope~~
13 ~~until the time for processing ballots. A ballot shall not be rejected~~
14 ~~for cause after the identification envelope has been opened.~~

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

19 ~~(2) If, upon conducting the comparison of signatures pursuant~~
20 ~~to subdivision (a), the elections official determines that the~~
21 ~~signatures do not compare, the identification envelope shall not~~
22 ~~be opened and the ballot shall not be counted. The cause of the~~
23 ~~rejection shall be written on the face of the identification envelope.~~

24 ~~(f) The county elections official shall establish a free access~~
25 ~~system that allows a vote by mail voter to learn whether his or her~~
26 ~~vote by mail ballot was counted and, if not, the reason why the~~
27 ~~ballot was not counted. For each election, the elections official~~
28 ~~shall make the free access system available to a vote by mail voter~~
29 ~~for at least 30 days immediately following the completion of the~~
30 ~~official canvass.~~

31 *SECTION 1. Section 3019 of the Elections Code is amended*
32 *to read:*

33 3019. (a) Upon receipt of the vote by mail ballot, the elections
34 official shall compare the signature on the envelope with that
35 appearing on the affidavit of registration and, if they compare,
36 deposit the ballot, still in the identification envelope, in a ballot
37 container in his or her office. A variation of the signature caused
38 by the substitution of initials for the first or middle name, or both,
39 shall not invalidate the ballot. If the ballot is rejected because the
40 signatures do not compare, the envelope shall not be opened and

1 the ballot shall not be counted. The cause of the rejection shall be
 2 written on the face of the identification envelope.

3 ~~If~~

4 (b) *If* the elections official has compared the signature of the
 5 voter’s application with the affidavit pursuant to Section 3009, the
 6 application may be used rather than the affidavit to make the
 7 signature check required by this section.

8 ~~No~~

9 (c) A ballot shall *not* be removed from its identification envelope
 10 until the time for processing. ~~No~~ A ballot shall *not* be rejected for
 11 cause after the envelope has been opened.

12 ~~In~~

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

20 (e) *The county elections official shall establish a free access*
 21 *system that allows a vote by mail voter to learn whether his or her*
 22 *vote by mail ballot was counted and, if not, the reason why the*
 23 *ballot was not counted. For each election, the elections official*
 24 *shall make the free access system available to a vote by mail voter*
 25 *upon completion of the official canvass and for 30 days thereafter.*

26 ~~SEC. 3.~~

27 *SEC. 2.* Section 13305 is added to the Elections Code, to read:

28 13305. (a) Notwithstanding Sections 13300 and 13303, a
 29 county elections official may elect not to mail a sample ballot to
 30 a voter if all of the following are satisfied:

- 31 (1) The voter is one of the following:
 - 32 (A) A permanent vote by mail voter pursuant to Chapter 3
 - 33 (commencing with Section 3200) of Division 3.
 - 34 (B) A voter in a mail ballot election conducted pursuant to
 - 35 Division 4 (commencing with Section 4000).
 - 36 (C) A voter in a precinct in which an election is conducted
 - 37 pursuant to Section 3005.
- 38 (2) The county elections official prepares and mails to each
- 39 voter a voter information guide. The voter information guide shall
- 40 include all of the information required to be included in, and shall

1 be accompanied by all the election materials required to
2 accompany, the sample ballot, except for both of the following:

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

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

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

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

11 ~~SEC. 4.~~

12 *SEC. 3.* No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 this act provides for offsetting savings to local agencies or school
15 districts that result in no net costs to the local agencies or school
16 districts, within the meaning of Section 17556 of the Government
17 Code.