

AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 477**

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**Introduced by Assembly Member Mullin**

February 23, 2015

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An act to amend Section 3019 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL’S DIGEST

AB 477, as amended, Mullin. Elections: vote by mail ballots.

Upon receipt of a vote by mail ballot and to determine if the signatures compare, existing law requires an elections official to compare the signature on the identification envelope with either (1) the signature appearing on the voter’s affidavit of registration or a previous affidavit of registration of the voter, or (2) the signature appearing on a form issued by an elections official that contains the voter’s signature, that is part of the voter’s registration record, and that the elections official has determined compares with the signature on the voter’s affidavit of registration or a previous affidavit of registration of the voter. If the signatures do not compare, existing law requires the identification envelope to not be opened, the ballot to not be counted, and the cause of the rejection to be written on the face of the identification envelope.

*This bill would strike the requirement that an elections official, in comparing the signatures on the identification envelope, as described in (2) above, determine that the signature appearing on a form issued by the elections official that contains the voter’s signature compares with the signature on the voter’s affidavit of registration or a previous affidavit of registration of the voter. If an elections official determines that a voter has failed to sign the identification envelope, this the bill*

would prohibit the elections official from rejecting the vote by mail ballot if the voter *signs the identification envelope at the elections official's office before 5 p.m. on the 10th day after the election*, completes and submits ~~a vote by mail ballot affidavit~~ *an unsigned ballot statement, as specified, before 5 p.m. on the 10th day before after the election, as specified: election, or completes and submits an unsigned ballot statement to a polling place within the county or a ballot drop-off box before the close of the polls on election day. The bill would require the elections official to accept any completed unsigned ballot statement.* The bill would require the elections official, upon receipt of the ~~vote by mail ballot affidavit, unsigned ballot statement~~, to compare the voter's signature on the ~~affidavit, statement~~, as described above, and, if the signatures compare, would require the elections official to attach the ~~affidavit statement~~ to the identification envelope and deposit the ballot, still in the identification envelope, in a ballot container in his or her office. The bill would require the identification envelope to not be opened and the ballot to not be counted if the elections official determines that the signatures do not compare. The bill would require the Secretary of State to include the ~~vote by mail ballot affidavit unsigned ballot statement~~ and instructions on completing the ~~affidavit, statement~~, and certain contact information for all elections officials, on his or her Internet Web site. The bill would also require an elections official to include the ~~vote by mail ballot affidavit unsigned ballot statement~~ and instructions, and certain contact information, on his or her Internet Web site. By requiring elections officials to take additional actions related to vote by mail ballots, 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.

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 amended  
2 to read:

3     3019. (a) Upon receipt of a vote by mail ballot, the elections  
4 official shall compare the signature on the identification envelope  
5 with either of the following to determine if the signatures compare:

6     (1) The signature appearing on the voter's affidavit of  
7 registration or a previous affidavit of registration of the voter.

8     (2) The signature appearing on a form issued by an elections  
9 official that contains the voter's ~~signature~~, *signature* and that is  
10 part of the voter's registration record, ~~and that the elections official~~  
11 ~~has determined compares with the signature on the voter's affidavit~~  
12 ~~of registration or a previous affidavit of registration of the voter.~~  
13 ~~The elections official may make this determination by reviewing~~  
14 ~~a series of signatures appearing on official forms in the voter's~~  
15 ~~registration record that have been determined to compare, that~~  
16 ~~demonstrates the progression of the voter's signature, and makes~~  
17 ~~evident that the signature on the identification envelope is that of~~  
18 ~~the voter.~~ *record.*

19     (b) In comparing signatures pursuant to subdivision (a), the  
20 elections official may use the duplicate file of affidavits of  
21 registered voters or facsimiles of voters' signatures if the method  
22 of preparing and displaying the facsimiles complies with the law.

23     (c) (1) If upon conducting the comparison of signatures pursuant  
24 to subdivision (a) the elections official determines that the  
25 signatures compare, he or she shall deposit the ballot, still in the  
26 identification envelope, in a ballot container in his or her office.

27     (2) If upon conducting the comparison of signatures pursuant  
28 to subdivision (a) the elections official determines that the  
29 signatures do not compare, the identification envelope shall not  
30 be opened and the ballot shall not be counted. The cause of the  
31 rejection shall be written on the face of the identification envelope.

32     (d) The variation of a signature caused by the substitution of  
33 initials for the first or middle name, or both, shall not be grounds  
34 for the elections official to determine that the signatures do not  
35 compare.

36     (e) In comparing signatures pursuant to this section, an elections  
37 official may use signature verification technology. If signature  
38 verification technology determines the signatures do not compare,

1 the elections official shall not reject the ballot unless he or she  
2 visually examines the signatures and verifies that the signatures  
3 do not compare.

4 (f) (1) (A) Notwithstanding any other law, if an elections  
5 official determines that a voter has failed to sign the identification  
6 envelope, the elections official shall not reject the vote by mail  
7 ballot if the voter ~~completes and submits a vote by mail ballot~~  
8 ~~affidavit before 5 p.m. on the day before the election, in accordance~~  
9 ~~with the following:~~ *does any of the following:*

10 (i) *Signs the identification envelope at the office of the elections*  
11 *official during regular business hours before 5 p.m. on the tenth*  
12 *day after the election.*

13 ~~(A) The voter shall complete a vote by mail ballot affidavit~~

14 (ii) *Before 5 p.m. on the tenth day after the election, completes*  
15 *and submits an unsigned ballot statement in substantially the*  
16 *following form:*

17  
18 “~~VOTE BY MAIL BALLOT AFFIDAVIT~~” *UNSIGNED BALLOT STATEMENT*

19  
20 I, \_\_\_\_\_, am a registered voter of \_\_\_\_\_ County,  
21 State of California. I do solemnly swear (or affirm) that I requested and returned  
22 a vote by mail ballot and that I have not and will not vote more than one ballot  
23 in this election. I understand that if I commit or attempt any fraud in connection  
24 with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection  
25 with voting, I may be convicted of a felony punishable by imprisonment for  
26 16 months or two or three years. I understand that my failure to sign this  
27 ~~affidavit~~ *statement* means that my vote by mail ballot will be invalidated.

28  
29 \_\_\_\_\_  
30 Voter’s Signature

31 \_\_\_\_\_  
32 Address”

33 (iii) *Before the close of the polls on election day, completes and*  
34 *submits an unsigned ballot statement, in the form described in*  
35 *clause (ii), to a polling place within the county or a ballot drop-off*  
36 *box.*

37 (B) *If timely submitted, the elections official shall accept any*  
38 *completed unsigned ballot statement. Upon receipt of the* ~~vote by~~  
39 ~~mail ballot affidavit, unsigned ballot statement.~~ *the elections*

1 official shall compare the voter's signature on the ~~affidavit~~  
2 *statement* in the manner provided by this section.

3 (i) If the elections official determines that the signatures  
4 compare, he or she shall attach the ~~vote by mail ballot affidavit~~  
5 *unsigned ballot statement* to the identification envelope and deposit  
6 the ballot, still in the identification envelope, in a ballot container  
7 in his or her office.

8 (ii) If the elections official determines that the signatures do not  
9 compare, the identification envelope shall not be opened and the  
10 ballot shall not be counted.

11 (C) *An elections official may use methods other than those*  
12 *described in subparagraph (A) to obtain a voter's signature on an*  
13 *unsigned identification envelope.*

14 (2) Instructions shall accompany the ~~vote by mail ballot affidavit~~  
15 *unsigned ballot statement* in substantially the following form:

16  
17 "READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE  
18 ~~AFFIDAVIT~~ STATEMENT. FAILURE TO FOLLOW THESE INSTRUCTIONS  
19 MAY CAUSE YOUR BALLOT NOT TO COUNT.

- 20 1. In order to ensure that your vote by mail ballot will be counted, your  
21 ~~affidavit statement~~ should be completed and returned as soon as possible  
22 so that it can reach the elections official of the county in which your  
23 precinct is located no later than 5 p.m. on the *10th day before after* the  
24 election.
- 25 2. You must sign your name on the line above (Voter's Signature).
- 26 3. Place the ~~affidavit statement~~ into a mailing envelope addressed to your  
27 local elections official. Mail, deliver, or have delivered the completed  
28 ~~affidavit statement~~ to the elections official. Be sure there is sufficient  
29 postage if mailed and that the address of the elections official is correct.
- 30 4. Alternatively, you may submit your completed ~~affidavit statement~~ by  
31 facsimile transmission ~~or by e-mail delivery~~ to your local elections  
32 official. ~~If submitting by e-mail delivery, please provide the affidavit~~  
33 ~~as an attachment.~~ *official, or submit your completed statement to a*  
34 *polling place within the county or a ballot drop-off box before the close*  
35 *of the polls on election day.*  
36

37 (3) The Secretary of State shall include the ~~vote by mail ballot~~  
38 ~~affidavit unsigned ballot statement~~ and instructions described in  
39 this subdivision on his or her Internet Web site, and shall provide  
40 a list of mailing ~~addresses, electronic mail addresses, addresses~~

1 and facsimile transmission numbers of all elections officials, or  
2 provide conspicuous hyperlinks to that information, on the Internet  
3 Web page containing the ~~affidavit statement~~ and instructions.

4 (4) An elections official shall include the ~~vote by mail ballot~~  
5 ~~affidavit unsigned ballot statement~~ and instructions described in  
6 this subdivision on his or her Internet Web site, and shall provide  
7 the elections official's mailing ~~address, electronic mail address,~~  
8 ~~address~~ and facsimile transmission number on the Internet Web  
9 page containing the ~~affidavit statement~~ and instructions.

10 (g) A ballot shall not be removed from its identification envelope  
11 until the time for processing ballots. A ballot shall not be rejected  
12 for cause after the identification envelope has been opened.

13 SEC. 2. If the Commission on State Mandates determines that  
14 this act contains costs mandated by the state, reimbursement to  
15 local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.