

AMENDED IN SENATE JULY 1, 2015

AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 477

Introduced by Assembly Member Mullin

February 23, 2015

An act to amend ~~Section 3019 of the Elections Code, Sections 3019, 6901, and 14310 of, and to add Chapter 5 (commencing with Section 6850) to Part 1 of Division 6 and Part 6 (commencing with Section 7900) to Division 7 of, the Elections Code, relating to elections.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 477, as amended, Mullin. Elections: ~~vote by mail ballots. ballots and the Green Party.~~

(1) 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)~~ (A) the signature appearing on the voter's affidavit of registration or a previous affidavit of registration of the voter, or ~~(2)~~ (B) 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)~~ (B) 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, 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~~ 8th day after the election, completes and submits an unsigned ballot statement, as specified, before 5 p.m. on the ~~10th~~ 8th day after the election, or completes and submits an unsigned ballot statement to a polling place within the county or a ballot ~~drop-off~~ *dropoff* 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 unsigned ballot statement, to compare the voter's signature on the statement, as described above, and, if the signatures compare, would require the elections official to attach the 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 unsigned ballot statement and instructions on completing the 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 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.

(2) Existing law provides for specific procedures by which the Democratic Party, the Republican Party, the American Independent Party, and the Peace and Freedom Party participate in the presidential primary.

This bill would establish the procedures by which the Green Party would participate in the presidential primary.

Existing law authorizes the Democratic Party, the Republican Party, the American Independent Party, and the Peace and Freedom Party to each elect county central committees. Existing law establishes state

central committees for the Democratic Party, the Republican Party, the American Independent Party, and the Peace and Freedom Party.

This bill would authorize the Green Party to establish, by election, county councils. The bill would also establish a state coordinating committee for the Green Party.

(3) Existing law provides that a voter claiming to be properly registered, but whose qualification or entitlement to vote cannot be immediately established, is entitled to vote a provisional ballot. Existing law requires the elections official to examine the records with respect to all provisional ballots cast, and compare the signature on each provisional ballot envelope with the signature on the voter's affidavit of registration or other signature in the voter's registration record and requires that the ballot be rejected if the signatures do not compare.

This bill would require the elections official to also compare the residence address provided by the voter on the provisional ballot envelope with the most current residence address on file. The bill would require, if the addresses do not match, the elections official to review the provisional voter's registration record to attempt to verify the voter's registration and current residence address. The bill would require, if the voter provides an in-county residence address different from the residence address in the official record, the elections official to duplicate and move the ballot to the precinct of the new address on the provisional ballot envelope and count only the races the voter is entitled to vote on. The bill would also require a ballot to be counted if the voter provides a post office box or business address on the provisional ballot envelope and the elections official, at his or her discretion, independently verifies the voter's in-county residence address. By requiring elections officials to take additional actions related to provisional ballots, the bill would impose a state-mandated local program.

~~The~~

(4) 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 and that is part of the
10 voter's registration record.

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

15 (c) (1) If upon conducting the comparison of signatures pursuant
16 to subdivision (a) the elections official determines that the
17 signatures compare, he or she shall deposit the ballot, still in the
18 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 (d) The variation of a signature caused by the substitution of
25 initials for the first or middle name, or both, shall not be grounds
26 for the elections official to determine that the signatures do not
27 compare.

28 (e) In comparing signatures pursuant to this section, an elections
29 official may use signature verification technology. If signature
30 verification technology determines the signatures do not compare,
31 the elections official shall not reject the ballot unless he or she
32 visually examines the signatures and verifies that the signatures
33 do not compare.

34 (f) (1) (A) Notwithstanding any other law, if an elections
35 official determines that a voter has failed to sign the identification
36 envelope, the elections official shall not reject the vote by mail
37 ballot if the voter does any of the following:

1 (i) Signs the identification envelope at the office of the elections
2 official during regular business hours before 5 p.m. on the ~~tenth~~
3 *eight* day after the election.

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

7
8 "UNSIGNED BALLOT STATEMENT
9

10 I, _____, am a registered voter of _____ County,
11 State of California. I do solemnly swear (or affirm) that I requested and returned
12 a vote by mail ballot and that I have not and will not vote more than one ballot
13 in this election. I understand that if I commit or attempt any fraud in connection
14 with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection
15 with voting, I may be convicted of a felony punishable by imprisonment for
16 16 months or two or three years. I understand that my failure to sign this
17 statement means that my vote by mail ballot will be invalidated.

18 _____
19 Voter's Signature

20 _____
21 Address"

22
23 (iii) Before the close of the polls on election day, completes and
24 submits an unsigned ballot statement, in the form described in
25 clause (ii), to a polling place within the county or a ballot ~~drop-off~~
26 *dropoff* box.

27 (B) If timely submitted, the elections official shall accept any
28 completed unsigned ballot statement. Upon receipt of the unsigned
29 ballot ~~statement~~: *statement*, the elections official shall compare
30 the voter's signature on the statement in the manner provided by
31 this section.

32 (i) If the elections official determines that the signatures
33 compare, he or she shall attach the unsigned ballot statement to
34 the identification envelope and deposit the ballot, still in the
35 identification envelope, in a ballot container in his or her office.

36 (ii) If the elections official determines that the signatures do not
37 compare, the identification envelope shall not be opened and the
38 ballot shall not be counted.

1 (C) An elections official may use methods other than those
 2 described in subparagraph (A) to obtain a voter’s signature on an
 3 unsigned identification envelope.

4 (2) Instructions shall accompany the unsigned ballot statement
 5 in substantially the following form:

6
 7 “READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
 8 STATEMENT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
 9 YOUR BALLOT NOT TO COUNT.

- 10 1. In order to ensure that your vote by mail ballot will be counted, your
 11 statement should be completed and returned as soon as possible so that
 12 it can reach the elections official of the county in which your precinct
 13 is located no later than 5 p.m. on the ~~10th~~ *eighth* day after the election.
- 14 2. You must sign your name on the line above (Voter’s Signature).
- 15 3. Place the statement into a mailing envelope addressed to your local
 16 elections official. Mail, deliver, or have delivered the completed
 17 statement to the elections official. Be sure there is sufficient postage
 18 if mailed and that the address of the elections official is correct.
- 19 4. Alternatively, you may submit your completed statement by facsimile
 20 transmission to your local elections official, or submit your completed
 21 statement to a polling place within the county or a ballot ~~drop-off~~
 22 *dropoff* box before the close of the polls on election day.

23
 24 (3) The Secretary of State shall include the unsigned ballot
 25 statement and instructions described in this subdivision on his or
 26 her Internet Web site, and shall provide a list of mailing addresses
 27 and facsimile transmission numbers of all elections officials, or
 28 provide conspicuous hyperlinks to that information, on the Internet
 29 Web page containing the statement and instructions.

30 (4) An elections official shall include the unsigned ballot
 31 statement and instructions described in this subdivision on his or
 32 her Internet Web site, and shall provide the elections official’s
 33 mailing address and facsimile transmission number on the Internet
 34 Web page containing the statement and instructions.

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

38 *SEC. 2. Chapter 5 (commencing with Section 6850) is added*
 39 *to Part 1 of Division 6 of the Elections Code, to read:*

1
2 *CHAPTER 5. GREEN PARTY PRESIDENTIAL PRIMARY*
3

4 *Article 1. General Provisions*
5

6 6850. *This chapter applies to the presidential primary ballot*
7 *of the Green Party only. As used in this chapter, “Green Party”*
8 *means the Green Party of California.*

9 6850.5. *The Green Party presidential primary ballot shall*
10 *express the presidential preference of California voters who vote*
11 *in the Green Party primary. National convention delegates shall*
12 *be selected as provided for in the bylaws and the rules and*
13 *procedures of the Green Party and pursuant to the rules of the*
14 *national political party with which the Green Party is affiliated.*

15 6850.7. *A filing fee shall not be required from a person to be*
16 *voted for in a Green Party presidential primary.*
17

18 *Article 2. Qualification of Candidates for Presidential*
19 *Preference Portion of Primary Ballot*
20

21 6851. *The Secretary of State shall place the name of a*
22 *candidate upon the Green Party presidential preference ballot*
23 *when the Secretary of State has determined that the candidate is*
24 *generally advocated for or recognized throughout the United States*
25 *or California as actively seeking the presidential nomination of*
26 *the Green Party or the national political party with which the*
27 *Green Party is affiliated.*

28 6851.5. *On or before the 150th day preceding a presidential*
29 *primary election, the Secretary of State shall send a letter by*
30 *first-class mail to the Green Party Liaison to the Secretary of State*
31 *informing her or him that, while a response is not required, any*
32 *information she or he wishes to submit will be considered by the*
33 *Secretary of State in the determination of candidates to be placed*
34 *on the Green Party presidential preference primary ballot pursuant*
35 *to Section 6851.*

36 6852. *On or before the 120th day preceding a presidential*
37 *primary election, the Secretary of State shall publicly announce*
38 *and distribute to the news media for publication a list of the*
39 *candidates she or he intends to place on the ballot at the following*
40 *presidential primary election. Following this announcement, the*

1 Secretary of State may add candidates to her or his selection, but
2 she or he may not delete any candidate whose name appears on
3 the announced list. The Secretary of State shall mail a copy of the
4 list and any subsequent additions to the list to the Green Party
5 Liaison to the Secretary of State.

6 6852.5. When the Secretary of State decides to place the name
7 of a candidate on the ballot pursuant to Sections 6851 and 6852,
8 the Secretary of State shall notify the candidate that her or his
9 name will appear on the Green Party presidential preference
10 primary ballot.

11 6853. If a selected candidate or an unselected candidate files
12 with the Secretary of State, no later than the 68th day before the
13 presidential primary, an affidavit stating without qualification that
14 she or he is not a candidate for the office of President of the United
15 States at the forthcoming presidential primary election, the name
16 of that candidate shall be omitted from the list of names certified
17 by the Secretary of State to the elections official for the ballot and
18 the name of that candidate shall not appear on the presidential
19 preference portion of the primary ballot.

20 6853.5. An unselected candidate desiring to have her or his
21 name placed on the presidential preference primary ballot shall
22 have nomination papers circulated on her or his behalf. In order
23 to qualify the name of that candidate for placement on the
24 presidential preference primary ballot, the nomination papers of
25 the candidate shall be signed by voters registered as preferring
26 the Green Party equal in number to not less than 1 percent of the
27 number of persons registered as preferring the Green Party as
28 reflected in the report of registration issued by the Secretary of
29 State on the 135th day before the presidential primary election.

30

31 Article 3. Preparation, Circulation, and Filing of Nominating
32 Papers

33

34 6854. This article applies to the nomination of a Green Party
35 candidate for the presidential primary ballot.

36 6854.5. Nomination papers properly prepared, circulated,
37 signed, and verified shall be left, for examination, with the elections
38 official of the county in which they are circulated at least 74 days
39 before the presidential primary.

1 6855. Each signer of a nomination paper for the presidential
2 primary ballot may sign only one paper. The signer shall add her
3 or his printed name and place of residence indicating city and
4 giving the street and number, if any.

5 6855.5. A nomination paper may be presented in sections. Each
6 section shall contain the name of the presidential preference
7 candidate. Each section shall bear the name of the county in which
8 it is circulated. Only voters of the county registered as preferring
9 the Green Party are competent to sign.

10 6856. Each section shall be prepared with the lines for
11 signatures numbered, and shall have attached the declaration of
12 the circulator who obtained signatures to it, which shall meet all
13 of the requirements of Section 104. No other declaration is required
14 to be made.

15 6856.5. A verified nomination paper is prima facie evidence
16 that the signatures are genuine and that the persons signing it are
17 voters registered as preferring the Green Party until it is otherwise
18 proven by comparison of the signatures with the affidavits of
19 registration in the office of the elections official.

20 6857. The nomination paper for a candidate for the presidential
21 preference portion of the ballot shall be in substantially the
22 following form:

23 SECTION OF NOMINATION PAPER SIGNED BY VOTER ON
24 BEHALF OF PRESIDENTIAL PREFERENCE PRIMARY
25 CANDIDATE

26 Section _____ Page _____

27 County of _____.

28 Nomination paper of a presidential preference candidate for the
29 Green Party presidential primary ballot.

30 State of California

31 County of {

32 } ss.

33 SIGNER'S STATEMENT

34 I, the undersigned, am a voter of the County of _____,
35 State of California, and am registered as preferring the Green
36 Party. I hereby nominate _____ for the presidential
37 preference portion of the Green Party's presidential primary ballot,
38 to be voted for at the presidential primary to be held on the
39 _____ day of _____, 20____. I have not signed
40 the nomination paper of any other candidate for the same office.

1 Number _____ Signature _____ Printed name _____ Residence

2 1. _____

3 2. _____

4 3. _____

5 Etc.

6 CIRCULATOR'S DECLARATION

7 I, _____, affirm all of the following:

8 1. That I am 18 years of age or older.

9 2. That my residence address, including street number,
10 is _____ [If
11 no street address exists, a designation of my residence adequate
12 to readily ascertain its location is
13 _____.]

14 3. That I secured signatures in the County of _____ to the
15 nomination paper of a candidate in the presidential preference
16 primary of the Green Party, that all the signatures on this section
17 of the nomination paper numbered from 1 to _____, inclusive, were
18 made in my presence, that the signatures were obtained between
19 _____, 20__ and _____, 20__, and that to the best of my
20 knowledge and belief each signature is the genuine signature of
21 the person whose name it purports to be.

22 I declare under penalty of perjury that the foregoing is true and
23 correct.

24 Executed at _____, California, this _____ day of _____, 20__.

25 [Signed] _____

26 Circulator

27 [Printed Name] _____

28 6857.5. Before filing, the sections of a nomination paper for
29 a candidate shall be numbered in order.

30 6858. Nomination papers, properly assembled, may be
31 consolidated and fastened together by counties, but nomination
32 papers signed by voters in different counties shall not be fastened
33 together.

34 6858.5. The elections official shall examine all nomination
35 papers left with her or him for examination and shall disregard
36 and mark "not sufficient" the name of any voter of that county
37 that does not appear in the same handwriting on an affidavit of
38 registration in the office of the elections official. The elections
39 official shall also disregard and mark "not sufficient" the name

1 of any voter of the county who is not registered as preferring the
2 Green Party.

3 6859. Within five days after any nomination papers are left
4 with the elections official for examination, the elections official
5 shall do both of the following:

6 (a) Examine and affix to them a certificate reciting that she or
7 he has examined them and stating the number of names that have
8 not been marked “not sufficient.”

9 (b) Transmit the papers with the certificate of examination to
10 the Secretary of State, who shall file the papers.

11 6859.5. The certificate of the elections official to nomination
12 papers of a candidate shall be in substantially the following form:

13
14 CERTIFICATE OF COUNTY ELECTIONS OFFICIAL TO NOMINATION
15 PAPERS OF A CANDIDATE

16
17 To the Secretary of State:

18
19 I, County Elections Official of the County of _____, hereby certify that I
20 have examined the nomination papers, to which this certificate is attached, of
21 the presidential candidate, and that the number of names which I have not
22 marked “not sufficient” is _____.

23 The candidate named in the nomination papers comprises the following:

24 _____
25

26 Dated this _____ day of _____, 20__.

27
28 (SEAL)

County Elections Official

By _____

Deputy

31
32 6860. Upon receipt of a sufficient number of signatures for the
33 nomination of a candidate for the presidential preference primary
34 ballot, the Secretary of State shall notify the candidate or her or
35 his duly authorized representative of that fact.

1 *Article 4. Green Party Presidential Primary Ballot*

2
 3 6861. *Following the filing of nomination papers, the*
 4 *presidential preference primary candidates shall be printed upon*
 5 *the ballot.*

6 6861.5. *For the presidential primary election, the format of*
 7 *the Green Party ballot shall be governed by Chapter 2*
 8 *(commencing with Section 13100) of Division 13, with the following*
 9 *exceptions:*

10 (a) *The heading “Presidential Candidate Preference” shall be*
 11 *included.*

12 (b) *Selected and unselected presidential candidates shall be*
 13 *listed below the heading specified in subdivision (a).*

14 (c) *The instructions to voters shall begin with the words “Vote*
 15 *for a candidate.” The instructions to voters shall also include the*
 16 *statement that “Delegates to the national convention will be*
 17 *selected after the primary election.”*

18 6862. *A person who believes her or his name may be used as*
 19 *a write-in candidate for President of the United States shall, no*
 20 *later than 21 days before the primary election, file an endorsement*
 21 *of her or his write-in candidacy with the Secretary of State, or no*
 22 *votes shall be counted for that write-in candidate.*

23
 24 *Article 5. Certification of National Convention Delegates*
 25 *Election and Postelection Proceedings*

26
 27 6863. *The number of delegates to be selected following the*
 28 *presidential preference primary shall be the number established*
 29 *by the national political party with which the Green Party is*
 30 *affiliated.*

31 6863.5. *National convention delegates shall be selected as*
 32 *provided for in the bylaws and the rules and procedures of the*
 33 *Green Party and pursuant to the rules of the national political*
 34 *party with which the Green Party is affiliated.*

35
 36 *Article 6. Presidential Electors*

37
 38 6864. *In each year of the general election at which electors of*
 39 *President and Vice President of the United States are to be chosen,*
 40 *the Green Party shall also nominate as the candidates of its party*

1 *as many electors of President and Vice President of the United*
2 *States as the state is then entitled, 50 percent of whom shall be*
3 *women and 50 percent men, unless an odd number of electors is*
4 *to be chosen, in which case the difference between the number of*
5 *women and men shall be not more than one elector. The Green*
6 *Party Liaison to the Secretary of State shall certify the name of*
7 *each elector nominated, and the elector's residence address to the*
8 *Secretary of State.*

9 *SEC. 3. Section 6901 of the Elections Code is amended to read:*

10 6901. Whenever a political party, in accordance with Section
11 6864, 7100, 7300, 7578, or 7843, submits to the Secretary of State
12 its certified list of nominees for electors of President and Vice
13 President of the United States, the Secretary of State shall notify
14 each candidate for elector of his or her nomination by the party.
15 The Secretary of State shall cause the names of the candidates for
16 President and Vice President of the several political parties to be
17 placed upon the ballot for the ensuing general election.

18 *SEC. 4. Part 6 (commencing with Section 7900) is added to*
19 *Division 7 of the Elections Code, to read:*

20

21

PART 6. GREEN PARTY

22

23

CHAPTER 1. GENERAL PROVISIONS

24

25 7900. *This part applies to the organization, operations, and*
26 *functions of the party known as the Green Party. As used in this*
27 *part, "Green Party" means the Green Party of California.*

28

29

CHAPTER 2. MEMBERS OF COUNTY COUNCILS

30

31 7901. *At each presidential primary election, members of central*
32 *committees, which shall be termed "county councils," shall be*
33 *elected in each county.*

34 7902. *For purposes of this chapter, the registration figures*
35 *used shall be those taken from the statement of voters and their*
36 *political preferences transmitted by the elections officials to the*
37 *Secretary of State on or before March 1 of the odd-numbered year*
38 *preceding the next presidential primary election.*

39 7903. *The number of members of the county council to be*
40 *elected in a county shall be a minimum of three and a maximum*

1 of 50, and the process in which each county's number shall be
2 calculated shall be defined in the Green Party's bylaws and, to be
3 effective, shall be communicated to the Secretary of State by the
4 Green Party Liaison to the Secretary of State no later than 175
5 days before the next presidential primary election.

6 7904. At its first meeting following the presidential primary
7 election and at subsequent meetings, a county council may appoint
8 additional members to the county council to fill any vacancy.

9 7905. A person shall not be appointed to membership on a
10 county council who is registered as preferring another party or
11 registered as "No Party Preference." Appointment of other persons
12 who cannot register to vote shall be allowed under certain
13 circumstances as described in state Green Party bylaws and any
14 applicable county Green Party bylaws.

15 7906. The removal of residence by an elected or appointed
16 member of a county council from the applicable county shall
17 constitute automatic resignation from the county council.

18 7907. A member of a county council who changes her or his
19 voter registration to no longer prefer the Green Party shall
20 automatically be removed from office upon such registration.

21 7908. County council members additionally may be removed
22 for cause by procedures established in the Green Party's bylaws.

23 7909. When a person is appointed to a county council, the
24 county council shall file notices of the appointment with the county
25 elections official and the coordinating committee of the Green
26 Party within 30 days after the appointment is made. The notices
27 shall contain the name and address of the person appointed and
28 shall indicate the date of the appointment.

29 7910. The Department of General Services shall permit any
30 county council that desires to do so to hold meetings in a state
31 building within the county, and a minimum of one meeting each
32 month shall be without charge.

33

34 *CHAPTER 3. ELECTION OF COUNTY COUNCILS*

35

36 7911. Members of county councils shall be elected from one
37 or more multi-member districts. Multi-member districts shall
38 conform to the county boundaries or recognized jurisdictional
39 boundaries of Congressional, State Assembly, State Senate or

1 *Supervisory districts within that county, in accordance with state*
2 *Green Party bylaws and county Green Party bylaws.*

3 7912. *The Secretary of State, no later than the 175th day before*
4 *the presidential primary election, shall compute the number of*
5 *members of a county council to be elected in each county and shall*
6 *mail a certificate to that effect to the elections official of each*
7 *county and to the Green Party Liaison to the Secretary of State.*

8 7913. *The elections official, no later than the 172nd day before*
9 *the presidential primary election, shall compute the number of*
10 *members of a county council to be elected in each district if the*
11 *election of the members is to be by district pursuant to this chapter.*

12 7914. *In each county, the name of each candidate for member*
13 *of a county council shall appear on the ballot only if she or he is*
14 *registered as preferring the Green Party and has filed a nomination*
15 *paper pursuant to Chapter 5 (commencing with Section 6850) of*
16 *Part 1 of Division 6, signed on the candidate's behalf by Green*
17 *Party voters of the county council election district in which she or*
18 *he is a candidate.*

19 7915. *In counties where members of county councils are to be*
20 *elected by district, a person seeking election as a member of a*
21 *county council may seek election only in the district in which she*
22 *or he resides.*

23 7916. *Notwithstanding any other provision of this code, a*
24 *person may obtain and circulate nomination papers for both*
25 *nomination to a public office and for election as a member of a*
26 *county council.*

27 7917. *Notwithstanding any other provision of this code, the*
28 *number of sponsors that shall be required of a person to be a*
29 *candidate for member of a county council shall be either not less*
30 *than 20 sponsors, or not less than 2 percent of the number of voters*
31 *registered as preferring the Green Party in the county council*
32 *election district, whichever is less.*

33 7918. *Notwithstanding any other provision of this code, each*
34 *sponsor is entitled to sponsor as many candidates as there are*
35 *seats in the district. Candidate names listed on a single sponsor's*
36 *certificate, and the signatures on the certificate shall count toward*
37 *the sponsor requirement of each and every candidate whose name*
38 *is listed on the certificate. The number of candidates having their*
39 *names on a sponsor's certificate shall not exceed the number of*
40 *members of a county council to be elected in the district.*

1 7919. *The elections official of each county shall include the*
2 *office of member of county council and the candidates for the office*
3 *in a place and manner similar to that for the office of county*
4 *central committee of other political parties and the candidates for*
5 *that office on the applicable official lists.*

6 7920. *The order of appearance of the names of the candidates*
7 *for member of county council on the ballot shall be determined by*
8 *a public drawing held at the time, place, and manner prescribed*
9 *for determining the order of names of county central committee*
10 *members pursuant to Chapter 2 (commencing with Section 13100)*
11 *of Division 13.*

12 7921. *The office of member of county council shall be placed*
13 *on the presidential primary ballot under the heading “Party County*
14 *Council” in the place and manner designated for the office of*
15 *county central committee pursuant to Chapter 2 (commencing with*
16 *Section 13100) of Division 13. The subheading printed under party*
17 *central committees on the presidential primary ballot shall be in*
18 *substantially the following form: Member of Green Party County*
19 *Council, ___the _____ District or Member of the Green*
20 *Party County Council, _____ County.*

21 7922. *Except as otherwise provided in this section, the votes*
22 *cast for each candidate for member of county council shall be*
23 *included in the canvass and statement of results in a manner*
24 *similar to the vote for each candidate for county central committees*
25 *pursuant to Division 15 (commencing with Section 15000), and*
26 *specifically:*

27 (a) *The final total of votes cast for each candidate for member*
28 *of county council, including the name, address, and ballot*
29 *designation of each such candidate, and a specification as to which*
30 *candidates were declared elected shall be certified to the Secretary*
31 *of State without delay upon completion of the official canvass. The*
32 *county clerk shall simultaneously send one copy of this final*
33 *certification to the Green Party Liaison to the Secretary of State.*

34 (b) *As soon as practicable after the presidential primary*
35 *election, the Secretary of State shall prepare a certified list, by*
36 *county, of all elected Green Party members of county councils,*
37 *including their addresses and primary election ballot designations.*
38 *The Secretary of State shall send copies of the list to the registrar*
39 *of voters in each county no later than 45 days following the*
40 *presidential primary election. This list shall be maintained for*

1 *public inspection by the registrars of voters in each county until*
2 *a subsequent list is received.*

3 *(c) The Secretary of State, no later than 45 days following the*
4 *presidential primary election, shall send a notice by mail to each*
5 *of the elected members of county councils that informs the person*
6 *that she or he has been elected as a member of the county council.*
7 *The Secretary of State shall send a copy of the certified list of all*
8 *elected members of all county councils to the Green Party Liaison*
9 *to the Secretary of State.*

10 7923. *Notwithstanding any other provision of this code, a*
11 *write-in candidate for member of county council shall not be*
12 *declared elected unless the write-in candidate has received a*
13 *number of votes equal to or greater than 2 percent of the number*
14 *of party members voting in the county council election district at*
15 *the presidential primary or 20 votes, whichever is less.*

16
17 *CHAPTER 4. STATE COORDINATING COMMITTEE*
18

19 7924. *The members of the state coordinating committee shall*
20 *be elected as provided in the Green Party bylaws and shall have*
21 *the responsibilities described in those bylaws.*

22 7925. *A person shall not be a member of the state coordinating*
23 *committee unless she or he is registered as a voter preferring the*
24 *Green Party.*

25 7926. *The state coordinating committee shall hold meetings*
26 *at least once during each year.*

27 7927. *(a) The state coordinating committee shall have the*
28 *authority to certify, as provided by Green Party bylaws, county*
29 *council members in the following counties:*

30 *(1) Counties where no county council candidates qualified for*
31 *the ballot in the preceding presidential primary election.*

32 *(2) Counties where all members of the county council have*
33 *become disqualified from holding office.*

34 *(b) County council members certified pursuant to this section*
35 *shall meet the qualifications otherwise required for county council*
36 *members. County council members certified pursuant to this section*
37 *shall be reported by the state coordinating committee to the*
38 *applicable county elections officials. County council members*
39 *certified under this section shall have all the powers and privileges*
40 *otherwise afforded to county councils.*

1 7928. *The state coordinating committee shall communicate in*
2 *writing to the Secretary of State the identity of the Green Party*
3 *Liaison to the Secretary of State.*

4 SEC. 5. *Section 14310 of the Elections Code, as amended by*
5 *Section 2 of Chapter 906 of the Statutes of 2014, is amended to*
6 *read:*

7 14310. (a) At all elections, a voter claiming to be properly
8 registered, but whose qualification or entitlement to vote cannot
9 be immediately established upon examination of the index of
10 registration for the precinct or upon examination of the records on
11 file with the county elections official, shall be entitled to vote a
12 provisional ballot as follows:

13 (1) An elections official shall advise the voter of the voter's
14 right to cast a provisional ballot.

15 (2) The voter shall be provided a provisional ballot, written
16 instructions regarding the process and procedures for casting the
17 provisional ballot, and a written affirmation regarding the voter's
18 registration and eligibility to vote. The written instructions shall
19 include the information set forth in subdivisions (c) and (d).

20 (3) The voter shall be required to execute, in the presence of an
21 elections official, the written affirmation stating that the voter is
22 eligible to vote and registered in the county where the voter desires
23 to vote.

24 (b) Once voted, the voter's ballot shall be sealed in a provisional
25 ballot envelope, and the ballot in its envelope shall be deposited
26 in the ballot box. All provisional ballots voted shall remain sealed
27 in their envelopes for return to the elections official in accordance
28 with the elections official's instructions. The provisional ballot
29 envelopes specified in this subdivision shall be a color different
30 than the color of, but printed substantially similar to, the envelopes
31 used for vote by mail ballots, and shall be completed in the same
32 manner as vote by mail envelopes.

33 (c) (1) During the official canvass, the elections official shall
34 examine the records with respect to all provisional ballots cast.
35 Using the procedures that apply to the comparison of signatures
36 on vote by mail ballots pursuant to Section 3019, the elections
37 official shall compare the signature on each provisional ballot
38 envelope with the signature on the voter's affidavit of registration
39 or other signature in the voter's registration record. If the signatures
40 do not compare or the provisional ballot envelope is not signed,

1 the ballot shall be rejected. A variation of the signature caused by
2 the substitution of initials for the first or middle name, or both,
3 shall not invalidate the ballot.

4 (2) *During the official canvass, the elections official shall also*
5 *compare the residence address provided by the voter on the*
6 *provisional ballot envelope with the most current residence address*
7 *on file. If the signatures compare after an examination pursuant*
8 *to paragraph (1) and the residence address provided matches the*
9 *most current residence address on file, the ballot shall be counted.*
10 *Except as provided in subparagraphs (A) and (B) and Section*
11 *14311, if the residence address provided on the provisional*
12 *envelope does not match the most current residence address on*
13 *file, the elections official shall review the provisional voter's*
14 *registration record to attempt to verify the voter's registration and*
15 *current residence address.*

16 (A) *If the voter provides an in-county residence address different*
17 *from the residence address in the official record, the elections*
18 *official shall duplicate or move the ballot to the precinct of the*
19 *new address on the provisional ballot envelope and count only the*
20 *votes the voter is entitled to vote on. The voter shall be reregistered*
21 *at the residence address provided on the provisional ballot*
22 *envelope for future elections.*

23 (B) *If the voter provides a post office box or business address*
24 *on the line of the provisional ballot envelope requesting the voter's*
25 *current residence address and, during the official canvass, the*
26 *elections official independently verifies the voter's residence*
27 *address and the residence address is within the county where the*
28 *provisional ballot was cast, the ballot shall be counted. If the ballot*
29 *is counted, the elections official shall count only the votes the voter*
30 *is entitled to vote on, based on the voter's independently verified*
31 *residence address. This subparagraph does not require an elections*
32 *official to attempt to independently verify a voter's residence*
33 *address during the official canvass.*

34 (C) *If the elections official's review is not conclusive or the*
35 *voter provides an out-of-county address, the ballot shall be*
36 *rejected.*

37 ~~(2)~~

38 (3) *Provisional ballots shall not be included in any semiofficial*
39 *or official canvass, except upon: (A) the elections official's*
40 *establishing ~~prior to~~ before the completion of the official canvass,*

1 from the records in his or her office, the claimant's right to vote;
2 or (B) the order of a superior court in the county of the voter's
3 residence. A voter may seek the court order specified in this
4 paragraph regarding his or her own ballot at any time ~~prior to~~
5 *before* completion of the official canvass. Any judicial action or
6 appeal shall have priority over all other civil matters. A fee shall
7 not be charged to the claimant by the clerk of the court for services
8 rendered in an action under this section.

9 (3)

10 (4) The provisional ballot of a voter who is otherwise entitled
11 to vote shall not be rejected because the voter did not cast his or
12 her ballot in the precinct to which he or she was assigned by the
13 elections official.

14 (A) If the ballot cast by the voter contains the same candidates
15 and measures on which the voter would have been entitled to vote
16 in his or her assigned precinct, the elections official shall count
17 the votes for the entire ballot.

18 (B) If the ballot cast by the voter contains candidates or
19 measures on which the voter would not have been entitled to vote
20 in his or her assigned precinct, the elections official shall count
21 only the votes for the candidates and measures on which the voter
22 was entitled to vote in his or her assigned precinct.

23 (d) The Secretary of State shall establish a free access system
24 that any voter who casts a provisional ballot may access to discover
25 ~~whether~~ *if* the voter's provisional ballot was counted and, if not,
26 the reason why it was not counted.

27 (e) The Secretary of State may adopt appropriate regulations
28 for the purpose of ensuring the uniform application of this section.

29 (f) This section shall apply to any vote by mail voter described
30 by Section 3015 who is unable to surrender his or her unvoted vote
31 by mail voter's ballot.

32 (g) Any existing supply of envelopes marked "special challenged
33 ballot" may be used until the supply is exhausted.

34 *SEC. 6. Section 14310 of the Elections Code, as amended by*
35 *Section 3 of Chapter 906 of the Statutes of 2014, is amended to*
36 *read:*

37 14310. (a) At all elections, a voter claiming to be properly
38 registered, but whose qualification or entitlement to vote cannot
39 be immediately established upon examination of the index of
40 registration for the precinct or upon examination of the records on

1 file with the county elections official, shall be entitled to vote a
2 provisional ballot as follows:

3 (1) An elections official shall advise the voter of the voter's
4 right to cast a provisional ballot.

5 (2) The voter shall be provided a provisional ballot, written
6 instructions regarding the process and procedures for casting the
7 ballot, and a written affirmation regarding the voter's registration
8 and eligibility to vote. The written instructions shall include the
9 information set forth in subdivisions (c) and (d).

10 (3) The voter shall be required to execute, in the presence of an
11 elections official, the written affirmation stating that the voter is
12 eligible to vote and registered in the county where the voter desires
13 to vote.

14 (b) Once voted, the voter's ballot shall be sealed in a provisional
15 ballot envelope, and the ballot in its envelope shall be deposited
16 in the ballot box. All provisional ballots voted shall remain sealed
17 in their envelopes for return to the elections official in accordance
18 with the elections official's instructions. The provisional ballot
19 envelopes specified in this subdivision shall be of a color different
20 than the color of, but printed substantially similar to, the envelopes
21 used for vote by mail ballots, and shall be completed in the same
22 manner as vote by mail envelopes.

23 (c) (1) During the official canvass, the elections official shall
24 examine the records with respect to all provisional ballots cast.
25 Using the procedures that apply to the comparison of signatures
26 on vote by mail ballots pursuant to Section 3019, the elections
27 official shall compare the signature on each provisional ballot
28 envelope with the signature on the voter's affidavit of registration
29 or other signature in the voter's registration record. If the signatures
30 do not compare or the provisional ballot envelope is not signed,
31 the ballot shall be rejected. A variation of the signature caused by
32 the substitution of initials for the first or middle name, or both,
33 shall not invalidate the ballot.

34 (2) *During the official canvass, the elections official shall also*
35 *compare the residence address provided by the voter on the*
36 *provisional ballot envelope with the most current residence address*
37 *on file. If the signatures compare after an examination pursuant*
38 *to paragraph (1) and the residence address provided matches the*
39 *most current residence address on file, the ballot shall be counted.*
40 *Except as provided in subparagraphs (A) and (B) and Section*

1 14311, if the residence address provided on the provisional
2 envelope does not match the most current residence address on
3 file, the elections official shall review the provisional voter's
4 registration record to attempt to verify the voter's registration and
5 current residence address.

6 (A) If the voter provides an in-county residence address different
7 from the residence address in the official record, the elections
8 official shall duplicate or move the ballot to the precinct of the
9 new address on the provisional ballot envelope and count only the
10 races the voter is entitled to vote on. The voter shall be reregistered
11 at the residence address provided on the provisional ballot
12 envelope for future elections.

13 (B) If the voter provides a post office box or business address
14 on the line of the provisional ballot envelope requesting the voter's
15 current residence address and, during the official canvass, the
16 elections official independently verifies the voter's residence
17 address and the residence address is within the county where the
18 provisional ballot was cast, the ballot shall be counted. If the ballot
19 is counted, the elections official shall count only the races the voter
20 is entitled to vote on, based on the voter's independently verified
21 residence address. This subparagraph does not require an elections
22 official to attempt to independently verify a voter's residence
23 address during the official canvass.

24 (C) If the elections official's review is not conclusive or the
25 voter provides an out-of-county address, the ballot shall be
26 rejected.

27 (2)

28 (3) (A) Provisional ballots shall not be included in any
29 semiofficial or official canvass, except under one or more of the
30 following conditions:

31 (i) The elections official establishes ~~prior to~~ before the
32 completion of the official canvass, from the records in his or her
33 office, the claimant's right to vote.

34 (ii) The provisional ballot has been cast and included in the
35 canvass pursuant to Article 4.5 (commencing with Section 2170)
36 of Chapter 2 of Division 2.

37 (iii) Upon the order of a superior court in the county of the
38 voter's residence.

39 (B) A voter may seek the court order specified in this paragraph
40 regarding his or her own ballot at any time ~~prior to~~ before

1 completion of the official canvass. Any judicial action or appeal
2 shall have priority over all other civil matters. A fee shall not be
3 charged to the claimant by the clerk of the court for services
4 rendered in an action under this section.

5 ~~(3)~~

6 (4) The provisional ballot of a voter who is otherwise entitled
7 to vote shall not be rejected because the voter did not cast his or
8 her ballot in the precinct to which he or she was assigned by the
9 elections official.

10 (A) If the ballot cast by the voter contains the same candidates
11 and measures on which the voter would have been entitled to vote
12 in his or her assigned precinct, the elections official shall count
13 the votes for the entire ballot.

14 (B) If the ballot cast by the voter contains candidates or
15 measures on which the voter would not have been entitled to vote
16 in his or her assigned precinct, the elections official shall count
17 only the votes for the candidates and measures on which the voter
18 was entitled to vote in his or her assigned precinct.

19 (d) The Secretary of State shall establish a free access system
20 that any voter who casts a provisional ballot may access to discover
21 ~~whether~~ *if* the voter's provisional ballot was counted and, if not,
22 the reason why it was not counted.

23 (e) The Secretary of State may adopt appropriate regulations
24 for the purpose of ensuring the uniform application of this section.

25 (f) This section shall apply to any vote by mail voter described
26 by Section 3015 who is unable to surrender his or her unvoted vote
27 by mail voter's ballot.

28 (g) Any existing supply of envelopes marked "special challenged
29 ballot" may be used until the supply is exhausted.

30 ~~SEC. 2.~~

31 *SEC. 7.* If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.

O