

AMENDED IN SENATE AUGUST 31, 2015

AMENDED IN SENATE JULY 1, 2015

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 Sections ~~3019, 6901, and 14310~~ *3019 and 6901* of, ~~and~~ to add Chapter 5 (commencing with Section 6850) to Part 1 of Division 6 ~~and of, and to add~~ 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: 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 (A) the signature appearing on the voter's affidavit of registration or a previous affidavit of registration of the voter, or (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 (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 8th day after the election, completes and submits an unsigned ballot statement, as specified, before 5 p.m. on the 8th day after the election, or completes and submits an unsigned ballot statement to a polling place within the county or a ballot 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.~~

~~(3) This bill would incorporate additional changes to Section 3019 of the Elections Code, proposed by AB 1020, that would become operative only if AB 1020 and this bill are both chaptered and become effective on or before January 1, 2016, and this bill is chaptered last.~~

~~(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

1 envelope, the elections official shall not reject the vote by mail  
2 ballot if the voter does any of the following:

3 (i) Signs the identification envelope at the office of the elections  
4 official during regular business hours before 5 p.m. on the eighth  
5 day after the election.

6 (ii) Before 5 p.m. on the eighth day after the election, completes  
7 and submits an unsigned ballot statement in substantially the  
8 following form:

9

10 “UNSIGNED BALLOT STATEMENT

11

12 I, \_\_\_\_\_, am a registered voter of \_\_\_\_\_ County,  
13 State of California. I do solemnly swear (or affirm) that I requested and returned  
14 a vote by mail ballot and that I have not and will not vote more than one ballot  
15 in this election. I understand that if I commit or attempt any fraud in connection  
16 with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection  
17 with voting, I may be convicted of a felony punishable by imprisonment for  
18 16 months or two or three years. I understand that my failure to sign this  
19 statement means that my vote by mail ballot will be invalidated.

20

21 \_\_\_\_\_  
Voter’s Signature

22

23 \_\_\_\_\_  
Address”

24

25 (iii) Before the close of the polls on election day, completes and  
26 submits an unsigned ballot statement, in the form described in  
27 clause (ii), to a polling place within the county or a ballot dropoff  
28 box.

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

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

37 (ii) If the elections official determines that the signatures do not  
38 compare, the identification envelope shall not be opened and the  
39 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 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 dropoff box  
 22 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. 1.5. Section 3019 of the Elections Code is amended to*  
 39 *read:*

1 3019. (a) Upon receipt of a vote by mail ballot, the elections  
2 official shall compare the signature on the identification envelope  
3 with either of the following to determine ~~whether~~ *if* the signatures  
4 compare:

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

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

18 (b) In comparing signatures pursuant to subdivision (a), the  
19 elections official may use ~~the duplicate file of affidavits of~~  
20 ~~registered voters or facsimiles of voters' signatures, provided that~~  
21 ~~any file or list of registered voters if~~ the method of preparing and  
22 displaying the ~~facsimiles file or list~~ 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 ~~is authorized to~~ *may* use signature verification technology.  
38 If signature verification technology determines the signatures do  
39 not compare, the elections official shall not reject the ballot unless

1 he or she visually examines the signatures and verifies that the  
2 signatures do not compare.

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

7 (i) Signs the identification envelope at the office of the elections  
8 official during regular business hours before 5 p.m. on the eighth  
9 day after the election.

10 (ii) Before 5 p.m. on the eighth day after the election, completes  
11 and submits an unsigned ballot statement in substantially the  
12 following form:

13  
14 “UNSIGNED BALLOT STATEMENT

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

24 \_\_\_\_\_  
25 Voter’s Signature

26 \_\_\_\_\_  
27 Address”

28  
29 (iii) Before the close of the polls on election day, completes and  
30 submits an unsigned ballot statement, in the form described in  
31 clause (ii), to a polling place within the county or a ballot dropoff  
32 box.

33 (B) If timely submitted, the elections official shall accept any  
34 completed unsigned ballot statement. Upon receipt of the unsigned  
35 ballot statement, the elections official shall compare the voter’s  
36 signature on the statement in the manner provided by this section.

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

1 (ii) If the elections official determines that the signatures do not  
2 compare, the identification envelope shall not be opened and the  
3 ballot shall not be counted.

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

7 (2) Instructions shall accompany the unsigned ballot statement  
8 in substantially the following form:

9  
10 “READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE  
11 STATEMENT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR  
12 BALLOT NOT TO COUNT.

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

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

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

39 (f)

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

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

6  
7 CHAPTER 5. GREEN PARTY PRESIDENTIAL PRIMARY

8  
9 Article 1. General Provisions

10  
11 6850. This chapter applies to the presidential primary ballot  
12 of the Green Party only. As used in this chapter, “Green Party”  
13 means the Green Party of California.

14 6850.5. The Green Party presidential primary ballot shall  
15 express the presidential preference of California voters who vote  
16 in the Green Party primary. National convention delegates shall  
17 be selected as provided for in the bylaws and the rules and  
18 procedures of the Green Party and pursuant to the rules of the  
19 national political party with which the Green Party is affiliated.

20 6850.7. A filing fee shall not be required from a person to be  
21 voted for in a Green Party presidential primary.

22  
23 Article 2. Qualification of Candidates for Presidential Preference  
24 Portion of Primary Ballot

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

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

1 6852. On or before the 120th day preceding a presidential  
2 primary election, the Secretary of State shall publicly announce  
3 and distribute to the news media for publication a list of the  
4 candidates she or he intends to place on the ballot at the following  
5 presidential primary election. Following this announcement, the  
6 Secretary of State may add candidates to her or his selection, but  
7 she or he may not delete any candidate whose name appears on  
8 the announced list. The Secretary of State shall mail a copy of the  
9 list and any subsequent additions to the list to the Green Party  
10 Liaison to the Secretary of State.

11 6852.5. When the Secretary of State decides to place the name  
12 of a candidate on the ballot pursuant to Sections 6851 and 6852,  
13 the Secretary of State shall notify the candidate that her or his  
14 name will appear on the Green Party presidential preference  
15 primary ballot.

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

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

35  
36 Article 3. Preparation, Circulation, and Filing of Nominating  
37 Papers  
38

39 6854. This article applies to the nomination of a Green Party  
40 candidate for the presidential primary ballot.

1 6854.5. Nomination papers properly prepared, circulated,  
2 signed, and verified shall be left, for examination, with the elections  
3 official of the county in which they are circulated at least 74 days  
4 before the presidential primary.

5 6855. Each signer of a nomination paper for the presidential  
6 primary ballot may sign only one paper. The signer shall add her  
7 or his printed name and place of residence indicating city and  
8 giving the street and number, if any.

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

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

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

24 6857. The nomination paper for a candidate for the presidential  
25 preference portion of the ballot shall be in substantially the  
26 following form:

27 ~~SECTION OF NOMINATION PAPER SIGNED BY VOTER~~  
28 ~~ON BEHALF OF PRESIDENTIAL PREFERENCE PRIMARY~~  
29 ~~CANDIDATE~~

30 Section \_\_\_\_\_ Page \_\_\_\_\_

31 County of \_\_\_\_\_.

32 ~~Nomination paper of a presidential preference candidate for the~~  
33 ~~Green Party presidential primary ballot.~~

34 State of California

35 County of \_\_\_\_\_

36 } ss.

37 SIGNER'S STATEMENT

38 I, the undersigned, am a voter of the County of \_\_\_\_\_,  
39 State of California, and am registered as preferring the Green Party.

40 I hereby nominate \_\_\_\_\_ for the presidential preference

1 portion of the Green Party’s presidential primary ballot, to be voted  
2 for at the presidential primary to be held on the \_\_\_\_\_  
3 day of \_\_\_\_\_, 20\_\_\_\_. I have not signed the nomination  
4 paper of any other candidate for the same office.

5 Number \_\_\_\_\_ Signature \_\_\_\_\_ Printed name \_\_\_\_\_ Residence  
6 1. \_\_\_\_\_  
7 2. \_\_\_\_\_  
8 3. \_\_\_\_\_  
9 Etc.

10 CIRCULATOR’S DECLARATION

11 I, \_\_\_\_\_, affirm all of the following:

12 1. That I am 18 years of age or older.  
13 2. That my residence address, including street number,  
14 is \_\_\_\_\_ [If  
15 no street address exists, a designation of my residence adequate  
16 to readily ascertain its location is  
17 \_\_\_\_\_.]

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

26 I declare under penalty of perjury that the foregoing is true and  
27 correct.

28 Executed at \_\_\_\_\_, California, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

29 [Signed] \_\_\_\_\_

30 Circulator

31 [Printed Name] \_\_\_\_\_

32

33 SECTION OF NOMINATION PAPER SIGNED BY VOTER ON  
34 BEHALF OF PRESIDENTIAL PREFERENCE PRIMARY CANDIDATE

35

36 Section \_\_\_\_\_ Page \_\_\_\_\_

37

38 County of \_\_\_\_\_.

39 Nomination paper of a presidential preference candidate for the Green Party  
40 presidential primary ballot.

1  
 2 State of California }  
 3 County of \_\_\_\_\_ } ss.

5 **SIGNER'S STATEMENT**

6  
 7 I, the undersigned, am a voter of the County of \_\_\_\_\_, State of  
 8 California, and am registered as preferring the Green Party. I hereby nominate  
 9 \_\_\_\_\_ for the presidential preference portion of the Green Party's  
 10 presidential primary ballot, to be voted for at the presidential primary to be  
 11 held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. I have not signed  
 12 the nomination paper of any other candidate for the same office.

13  
 14 Number \_\_\_\_\_ Signature \_\_\_\_\_ Printed name \_\_\_\_\_ Residence \_\_\_\_\_

- 15 \_\_\_\_\_  
 16  
 17 1. \_\_\_\_\_  
 18 2. \_\_\_\_\_  
 19 3. \_\_\_\_\_  
 20 etc.

21  
 22 **CIRCULATOR'S DECLARATION**

23  
 24 I, \_\_\_\_\_, affirm all of the following:

- 25 1. That I am 18 years of age or older.  
 26 2. That my residence address, including street number, is

27 \_\_\_\_\_  
 28 \_\_\_\_\_

29  
 30 [If no street or number exists, a designation of my residence adequate to  
 31 readily ascertain its location is

32 \_\_\_\_\_  
 33 \_\_\_\_\_.]

34  
 35 3. That I secured signatures in the County of \_\_\_\_\_ to the nomination  
 36 paper of a candidate in the presidential preference primary of the Green Party,  
 37 that all the signatures on this section of the nomination paper numbered from  
 38 1 to \_\_\_\_\_, inclusive, were made in my presence, that the signatures were  
 39 obtained between \_\_\_\_\_, 20\_\_, and \_\_\_\_\_, 20\_\_, and that

1 to the best of my knowledge and belief each signature is the genuine signature  
2 of the person whose name it purports to be.

3  
4 I declare under penalty of perjury that the foregoing is true and correct.

5  
6 Executed at \_\_\_\_\_, California, this \_\_\_\_ day of \_\_\_\_, 20\_\_.

7 [Signed] \_\_\_\_\_

8 Circulator

9 [Printed Name] \_\_\_\_\_

10

11 6857.5. Before filing, the sections of a nomination paper for a  
12 candidate shall be numbered in order.

13 6858. Nomination papers, properly assembled, may be  
14 consolidated and fastened together by counties, but nomination  
15 papers signed by voters in different counties shall not be fastened  
16 together.

17 6858.5. The elections official shall examine all nomination  
18 papers left with her or him for examination and shall disregard  
19 and mark “not sufficient” the name of any voter of that county that  
20 does not appear in the same handwriting on an affidavit of  
21 registration in the office of the elections official. The elections  
22 official shall also disregard and mark “not sufficient” the name of  
23 any voter of the county who is not registered as preferring the  
24 Green Party.

25 6859. Within five days after any nomination papers are left  
26 with the elections official for examination, the elections official  
27 shall do both of the following:

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

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

33 6859.5. The certificate of the elections official to nomination  
34 papers of a candidate shall be in substantially the following form:

35

36 CERTIFICATE OF COUNTY ELECTIONS OFFICIAL TO NOMINATION  
37 PAPERS OF A CANDIDATE

38

39 To the Secretary of State:

40

1 I, County Elections Official of the County of \_\_\_\_\_, hereby certify that I  
2 have examined the nomination papers, to which this certificate is attached, of  
3 the presidential candidate, and that the number of names which I have not  
4 marked "not sufficient" is \_\_\_\_\_.

5 The candidate named in the nomination papers ~~comprises~~ *is comprised of*  
6 the following:

7 \_\_\_\_\_  
8

9 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

10 \_\_\_\_\_  
11 (SEAL) County Elections Official  
12 By \_\_\_\_\_  
13 Deputy  
14

15 6860. Upon receipt of a sufficient number of signatures for the  
16 nomination of a candidate for the presidential preference primary  
17 ballot, the Secretary of State shall notify the candidate or her or  
18 his duly authorized representative of that fact.

19  
20 Article 4. Green Party Presidential Primary Ballot  
21

22 6861. Following the filing of nomination papers, the  
23 presidential preference primary candidates shall be printed upon  
24 the ballot.

25 6861.5. For the presidential primary election, the format of the  
26 Green Party ballot shall be governed by Chapter 2 (commencing  
27 with Section 13100) of Division 13, with the following exceptions:

28 (a) The heading "Presidential Candidate Preference" shall be  
29 included.

30 (b) Selected and unselected presidential candidates shall be  
31 listed below the heading specified in subdivision (a).

32 (c) The instructions to voters shall begin with the words "Vote  
33 for a candidate." The instructions to voters shall also include the  
34 statement that "Delegates to the national convention will be  
35 selected after the primary election."

36 6862. A person who believes her or his name may be used as  
37 a write-in candidate for President of the United States shall, no  
38 later than 21 days before the primary election, file an endorsement  
39 of her or his write-in candidacy with the Secretary of State, or no  
40 votes shall be counted for that write-in candidate.

1 Article 5. Certification of National Convention Delegates  
2 Election and Postelection Proceedings  
3

4 6863. The number of delegates to be selected following the  
5 presidential preference primary shall be the number established  
6 by the national political party with which the Green Party is  
7 affiliated.

8 6863.5. National convention delegates shall be selected as  
9 provided for in the bylaws and the rules and procedures of the  
10 Green Party and pursuant to the rules of the national political party  
11 with which the Green Party is affiliated.  
12

13 Article 6. Presidential Electors  
14

15 6864. In each year of the general election at which electors of  
16 President and Vice President of the United States are to be chosen,  
17 the Green Party shall also nominate as the candidates of its party  
18 as many electors of President and Vice President of the United  
19 States as the state is then entitled, 50 percent of whom shall be  
20 women and 50 percent men, unless an odd number of electors is  
21 to be chosen, in which case the difference between the number of  
22 women and men shall be not more than one elector. The Green  
23 Party Liaison to the Secretary of State shall certify the name of  
24 each elector nominated, and the elector's residence address to the  
25 Secretary of State.

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

27 6901. Whenever a political party, in accordance with Section  
28 6864, 7100, 7300, 7578, or 7843, submits to the Secretary of State  
29 its certified list of nominees for electors of President and Vice  
30 President of the United States, the Secretary of State shall notify  
31 each candidate for elector of his or her nomination by the party.  
32 The Secretary of State shall cause the names of the candidates for  
33 President and Vice President of the several political parties to be  
34 placed upon the ballot for the ensuing general election.

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

PART 6. GREEN PARTY

CHAPTER 1. GENERAL PROVISIONS

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

CHAPTER 2. MEMBERS OF COUNTY COUNCILS

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

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

7903. The number of members of the county council to be elected in a county shall be a minimum of three and a maximum of 50, and the process in which each county's number shall be calculated shall be defined in the Green Party's bylaws and, to be effective, shall be communicated to the Secretary of State by the Green Party Liaison to the Secretary of State no later than 175 days before the next presidential primary election.

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

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

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

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

1 7908. County council members additionally may be removed  
2 for cause by procedures established in the Green Party's bylaws.

3 7909. When a person is appointed to a county council, the  
4 county council shall file notices of the appointment with the county  
5 elections official and the coordinating committee of the Green  
6 Party within 30 days after the appointment is made. The notices  
7 shall contain the name and address of the person appointed and  
8 shall indicate the date of the appointment.

9 7910. The Department of General Services shall permit any  
10 county council that desires to do so to hold meetings in a state  
11 building within the county, and a minimum of one meeting each  
12 month shall be without charge.

13

14 CHAPTER 3. ELECTION OF COUNTY COUNCILS

15

16 7911. Members of county councils shall be elected from one  
17 or more multi-member districts. ~~Multi-member~~ *Multimember*  
18 districts shall conform to the county boundaries or recognized  
19 jurisdictional boundaries of Congressional, State Assembly, State  
20 ~~Senate~~ *Senate*, or Supervisorial districts within that county, in  
21 accordance with state Green Party bylaws and county Green Party  
22 bylaws.

23 7912. The Secretary of State, no later than the 175th day before  
24 the presidential primary election, shall compute the number of  
25 members of a county council to be elected in each county and shall  
26 mail a certificate to that effect to the elections official of each  
27 county and to the Green Party Liaison to the Secretary of State.

28 7913. The elections official, no later than the 172nd day before  
29 the presidential primary election, shall compute the number of  
30 members of a county council to be elected in each district if the  
31 election of the members is to be by district pursuant to this chapter.

32 7914. In each county, the name of each candidate for member  
33 of a county council shall appear on the ballot only if she or he is  
34 registered as preferring the Green Party and has filed a nomination  
35 paper pursuant to Chapter 5 (commencing with Section 6850) of  
36 Part 1 of Division 6, signed on the candidate's behalf by Green  
37 Party voters of the county council election district in which she or  
38 he is a candidate.

39 7915. In counties where members of county councils are to be  
40 elected by district, a person seeking election as a member of a

1 county council may seek election only in the district in which she  
2 or he resides.

3 7916. Notwithstanding any other provision of this code, a  
4 person may obtain and circulate nomination papers for both  
5 nomination to a public office and for election as a member of a  
6 county council.

7 7917. Notwithstanding any other provision of this code, the  
8 number of sponsors that shall be required of a person to be a  
9 candidate for member of a county council shall be either not less  
10 than 20 sponsors, or not less than 2 percent of the number of voters  
11 registered as preferring the Green Party in the county council  
12 election district, whichever is less.

13 7918. Notwithstanding any other provision of this code, each  
14 sponsor is entitled to sponsor as many candidates as there are seats  
15 in the district. Candidate names listed on a single sponsor's  
16 certificate, and the signatures on the certificate shall count toward  
17 the sponsor requirement of each and every candidate whose name  
18 is listed on the certificate. The number of candidates having their  
19 names on a sponsor's certificate shall not exceed the number of  
20 members of a county council to be elected in the district.

21 7919. The elections official of each county shall include the  
22 office of member of county council and the candidates for the  
23 office in a place and manner similar to that for the office of county  
24 central committee of other political parties and the candidates for  
25 that office on the applicable official lists.

26 7920. The order of appearance of the names of the candidates  
27 for member of county council on the ballot shall be determined  
28 by a public drawing held at the time, place, and manner prescribed  
29 for determining the order of names of county central committee  
30 members pursuant to Chapter 2 (commencing with Section 13100)  
31 of Division 13.

32 7921. The office of member of county council shall be placed  
33 on the presidential primary ballot under the heading "Party County  
34 Council" in the place and manner designated for the office of  
35 county central committee pursuant to Chapter 2 (commencing with  
36 Section 13100) of Division 13. The subheading printed under party  
37 central committees on the presidential primary ballot shall be in  
38 substantially the following form: Member of Green Party County  
39 Council, \_\_\_ the \_\_\_\_\_ District or Member of the Green  
40 Party County Council, \_\_\_\_\_ County.

1 7922. Except as otherwise provided in this section, the votes  
2 cast for each candidate for member of county council shall be  
3 included in the canvass and statement of results in a manner similar  
4 to the vote for each candidate for county central committees  
5 pursuant to Division 15 (commencing with Section 15000), and  
6 specifically:

7 (a) The final total of votes cast for each candidate for member  
8 of county council, including the name, address, and ballot  
9 designation of each such candidate, and a specification as to which  
10 candidates were declared elected shall be certified to the Secretary  
11 of State without delay upon completion of the official canvass.  
12 The county clerk shall simultaneously send one copy of this final  
13 certification to the Green Party Liaison to the Secretary of State.

14 (b) As soon as practicable after the presidential primary election,  
15 the Secretary of State shall prepare a certified list, by county, of  
16 all elected Green Party members of county councils, including  
17 their addresses and primary election ballot designations. The  
18 Secretary of State shall send copies of the list to the registrar of  
19 voters in each county no later than 45 days following the  
20 presidential primary election. This list shall be maintained for  
21 public inspection by the registrars of voters in each county until a  
22 subsequent list is received.

23 (c) The Secretary of State, no later than 45 days following the  
24 presidential primary election, shall send a notice by mail to each  
25 of the elected members of county councils that informs the person  
26 that she or he has been elected as a member of the county council.  
27 The Secretary of State shall send a copy of the certified list of all  
28 elected members of all county councils to the Green Party Liaison  
29 to the Secretary of State.

30 7923. Notwithstanding any other provision of this code, a  
31 write-in candidate for member of county council shall not be  
32 declared elected unless the write-in candidate has received a  
33 number of votes equal to or greater than 2 percent of the number  
34 of party members voting in the county council election district at  
35 the presidential primary or 20 votes, whichever is less.

## CHAPTER 4. STATE COORDINATING COMMITTEE

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

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

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

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

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

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

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

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

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

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

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

~~(2) The voter shall be provided a provisional ballot, written instructions regarding the process and procedures for casting the~~

1 provisional ballot, and a written affirmation regarding the voter's  
2 registration and eligibility to vote. The written instructions shall  
3 include the information set forth in subdivisions (c) and (d).

4 (3) The voter shall be required to execute, in the presence of an  
5 elections official, the written affirmation stating that the voter is  
6 eligible to vote and registered in the county where the voter desires  
7 to vote.

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

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

28 (2) During the official canvass, the elections official shall also  
29 compare the residence address provided by the voter on the  
30 provisional ballot envelope with the most current residence address  
31 on file. If the signatures compare after an examination pursuant  
32 to paragraph (1) and the residence address provided matches the  
33 most current residence address on file, the ballot shall be counted.  
34 Except as provided in subparagraphs (A) and (B) and Section  
35 14311, if the residence address provided on the provisional  
36 envelope does not match the most current residence address on  
37 file, the elections official shall review the provisional voter's  
38 registration record to attempt to verify the voter's registration and  
39 current residence address.

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

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

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

21     (3) Provisional ballots shall not be included in any semiofficial  
22 or official canvass, except upon: (A) the elections official's  
23 establishing before the completion of the official canvass, from  
24 the records in his or her office, the claimant's right to vote; or (B)  
25 the order of a superior court in the county of the voter's residence.  
26 A voter may seek the court order specified in this paragraph  
27 regarding his or her own ballot at any time before completion of  
28 the official canvass. Any judicial action or appeal shall have  
29 priority over all other civil matters. A fee shall not be charged to  
30 the claimant by the clerk of the court for services rendered in an  
31 action under this section.

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

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

1 ~~(B) If the ballot cast by the voter contains candidates or~~  
2 ~~measures on which the voter would not have been entitled to vote~~  
3 ~~in his or her assigned precinct, the elections official shall count~~  
4 ~~only the votes for the candidates and measures on which the voter~~  
5 ~~was entitled to vote in his or her assigned precinct.~~

6 ~~(d) The Secretary of State shall establish a free access system~~  
7 ~~that any voter who casts a provisional ballot may access to discover~~  
8 ~~if the voter's provisional ballot was counted and, if not, the reason~~  
9 ~~why it was not counted.~~

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

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

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

17 ~~SEC. 6. Section 14310 of the Elections Code, as amended by~~  
18 ~~Section 3 of Chapter 906 of the Statutes of 2014, is amended to~~  
19 ~~read:~~

20 ~~14310. (a) At all elections, a voter claiming to be properly~~  
21 ~~registered, but whose qualification or entitlement to vote cannot~~  
22 ~~be immediately established upon examination of the index of~~  
23 ~~registration for the precinct or upon examination of the records on~~  
24 ~~file with the county elections official, shall be entitled to vote a~~  
25 ~~provisional ballot as follows:~~

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

28 ~~(2) The voter shall be provided a provisional ballot, written~~  
29 ~~instructions regarding the process and procedures for casting the~~  
30 ~~ballot, and a written affirmation regarding the voter's registration~~  
31 ~~and eligibility to vote. The written instructions shall include the~~  
32 ~~information set forth in subdivisions (c) and (d).~~

33 ~~(3) The voter shall be required to execute, in the presence of an~~  
34 ~~elections official, the written affirmation stating that the voter is~~  
35 ~~eligible to vote and registered in the county where the voter desires~~  
36 ~~to vote.~~

37 ~~(b) Once voted, the voter's ballot shall be sealed in a provisional~~  
38 ~~ballot envelope, and the ballot in its envelope shall be deposited~~  
39 ~~in the ballot box. All provisional ballots voted shall remain sealed~~  
40 ~~in their envelopes for return to the elections official in accordance~~

1 with the elections official's instructions. The provisional ballot  
2 envelopes specified in this subdivision shall be of a color different  
3 than the color of, but printed substantially similar to, the envelopes  
4 used for vote by mail ballots, and shall be completed in the same  
5 manner as vote by mail envelopes.

6 (e) (1) ~~During the official canvass, the elections official shall~~  
7 ~~examine the records with respect to all provisional ballots cast.~~  
8 ~~Using the procedures that apply to the comparison of signatures~~  
9 ~~on vote by mail ballots pursuant to Section 3019, the elections~~  
10 ~~official shall compare the signature on each provisional ballot~~  
11 ~~envelope with the signature on the voter's affidavit of registration~~  
12 ~~or other signature in the voter's registration record. If the signatures~~  
13 ~~do not compare or the provisional ballot envelope is not signed,~~  
14 ~~the ballot shall be rejected. A variation of the signature caused by~~  
15 ~~the substitution of initials for the first or middle name, or both,~~  
16 ~~shall not invalidate the ballot.~~

17 (2) ~~During the official canvass, the elections official shall also~~  
18 ~~compare the residence address provided by the voter on the~~  
19 ~~provisional ballot envelope with the most current residence address~~  
20 ~~on file. If the signatures compare after an examination pursuant~~  
21 ~~to paragraph (1) and the residence address provided matches the~~  
22 ~~most current residence address on file, the ballot shall be counted.~~  
23 ~~Except as provided in subparagraphs (A) and (B) and Section~~  
24 ~~14311, if the residence address provided on the provisional~~  
25 ~~envelope does not match the most current residence address on~~  
26 ~~file, the elections official shall review the provisional voter's~~  
27 ~~registration record to attempt to verify the voter's registration and~~  
28 ~~current residence address.~~

29 (A) ~~If the voter provides an in-county residence address different~~  
30 ~~from the residence address in the official record, the elections~~  
31 ~~official shall duplicate or move the ballot to the precinct of the~~  
32 ~~new address on the provisional ballot envelope and count only the~~  
33 ~~raees the voter is entitled to vote on. The voter shall be reregistered~~  
34 ~~at the residence address provided on the provisional ballot envelope~~  
35 ~~for future elections.~~

36 (B) ~~If the voter provides a post office box or business address~~  
37 ~~on the line of the provisional ballot envelope requesting the voter's~~  
38 ~~current residence address and, during the official canvass, the~~  
39 ~~elections official independently verifies the voter's residence~~  
40 ~~address and the residence address is within the county where the~~

1 provisional ballot was cast, the ballot shall be counted. If the ballot  
2 is counted, the elections official shall count only the races the voter  
3 is entitled to vote on, based on the voter's independently verified  
4 residence address. This subparagraph does not require an elections  
5 official to attempt to independently verify a voter's residence  
6 address during the official canvass.

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

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

12 (i) The elections official establishes before the completion of  
13 the official canvass, from the records in his or her office, the  
14 claimant's right to vote.

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

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

20 (B) A voter may seek the court order specified in this paragraph  
21 regarding his or her own ballot at any time before completion of  
22 the official canvass. Any judicial action or appeal shall have  
23 priority over all other civil matters. A fee shall not be charged to  
24 the claimant by the clerk of the court for services rendered in an  
25 action under this section.

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

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

34 (B) If the ballot cast by the voter contains candidates or  
35 measures on which the voter would not have been entitled to vote  
36 in his or her assigned precinct, the elections official shall count  
37 only the votes for the candidates and measures on which the voter  
38 was entitled to vote in his or her assigned precinct.

39 (d) The Secretary of State shall establish a free access system  
40 that any voter who casts a provisional ballot may access to discover

1 if the voter’s provisional ballot was counted and, if not, the reason  
2 why it was not counted.

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

5 (f) ~~This section shall apply to any vote by mail voter described  
6 by Section 3015 who is unable to surrender his or her unvoted vote  
7 by mail voter’s ballot.~~

8 (g) ~~Any existing supply of envelopes marked “special challenged  
9 ballot” may be used until the supply is exhausted.~~

10 *SEC. 5. Section 1.5 of this bill incorporates amendments to*  
11 *Section 3019 of the Elections Code proposed by both this bill and*  
12 *Assembly Bill 1020. It shall only become operative if (1) both bills*  
13 *are enacted and become effective on or before January 1, 2016,*  
14 *(2) each bill amends Section 3019 of the Elections Code, and (3)*  
15 *this bill is enacted after Assembly Bill 1020, in which case Section*  
16 *1 of this bill shall not become operative.*

17 ~~SEC. 7.~~

18 *SEC. 6. If the Commission on State Mandates determines that*  
19 *this act contains costs mandated by the state, reimbursement to*  
20 *local agencies and school districts for those costs shall be made*  
21 *pursuant to Part 7 (commencing with Section 17500) of Division*  
22 *4 of Title 2 of the Government Code.*