

AMENDED IN SENATE AUGUST 19, 2016

AMENDED IN SENATE AUGUST 15, 2016

AMENDED IN SENATE JUNE 9, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2089

Introduced by Assembly Member Quirk

February 17, 2016

An act to amend Section 3019.5 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2089, as amended, Quirk. Vote by mail ballots: voter notification.

Existing law requires a county elections official to establish a free access system that allows a vote by mail voter to learn if his or her vote by mail ballot was counted, and, if not, the reason why the ballot was not counted. Existing law requires the elections official to make the free access system available to a vote by mail voter upon completion of the official canvass and for 30 days after completion of the official canvass.

If a voter casts a vote by mail ballot, this bill would additionally require a county elections official, within 30 days after completion of the official canvass, to notify the voter if the ballot was not counted, including the reason it was not counted. By imposing an additional duty on local elections officials, the bill would create a state-mandated local program.

This bill would incorporate additional changes to Section 3019.5 of the Elections Code, proposed by AB 2911, that would become operative only if this bill and AB 2911 are both chaptered and this bill is chaptered last.

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 3019.5 of the Elections Code is amended
- 2 to read:
- 3 3019.5. (a) A county elections official shall establish a free
- 4 access system that allows a vote by mail voter to learn if his or her
- 5 vote by mail ballot was counted and, if not, the reason why the
- 6 ballot was not counted. For each election, the elections official
- 7 shall make the free access system available to a vote by mail voter
- 8 upon completion of the official canvass and for 30 days after
- 9 completion of the official canvas.
- 10 (b) For purposes of establishing the free access system for vote
- 11 by mail ballots required by subdivision (a), a county elections
- 12 official may use the free access system for provisional ballots
- 13 established by the county pursuant to Section 302 of the federal
- 14 Help America Vote Act of 2002 (52 U.S.C. Sec. 21082).
- 15 (c) If a county elections official elects not to mail a sample ballot
- 16 to a voter pursuant to Section 13305, the elections official shall
- 17 use any savings achieved to offset the costs associated with
- 18 establishing the free access system for vote by mail ballots required
- 19 by subdivision (a).
- 20 (d) In addition to establishing a free access system pursuant to
- 21 subdivision (a), if a voter casts a vote by mail ballot, the county
- 22 elections official shall, within 30 days after completion of the
- 23 official canvass, notify the voter if his or her ballot was not

1 counted. The notification shall include the reason the ballot was
2 not counted.

3 *SEC. 1.5. Section 3019.5 of the Elections Code is amended to*
4 *read:*

5 3019.5. (a) A county elections official shall establish a free
6 access system that allows a vote by mail voter to learn if his or her
7 vote by mail ballot was counted and, if not, the reason why the
8 ballot was not counted. For each election, the elections official
9 shall make the free access system available to a vote by mail voter
10 upon completion of the official canvass and for 30 days after
11 completion of the official canvas.

12 (b) For purposes of establishing the free access system for vote
13 by mail ballots required by subdivision (a), a county elections
14 official may use the free access system for provisional ballots
15 established by the county pursuant to Section 302 of the federal
16 Help America Vote Act of 2002 (52 U.S.C. Sec. 21082).

17 (c) If a county elections official elects not to mail a ~~sample ballot~~
18 *county voter information guide* to a voter pursuant to Section
19 13305, the elections official shall use any savings achieved to
20 offset the costs associated with establishing the free access system
21 for vote by mail ballots required by subdivision (a).

22 (d) *In addition to establishing a free access system pursuant to*
23 *subdivision (a), if a voter casts a vote by mail ballot, the county*
24 *elections official shall, within 30 days after completion of the*
25 *official canvass, notify the voter if his or her ballot was not*
26 *counted. The notification shall include the reason the ballot was*
27 *not counted.*

28 *SEC. 2. Section 1.5 of this bill incorporates amendments to*
29 *Section 3019.5 of the Elections Code proposed by both this bill*
30 *and AB 2911. It shall only become operative if (1) both bills are*
31 *enacted and become effective on or before January 1, 2017, (2)*
32 *each bill amends Section 3019.5 of the Elections Code, and (3)*
33 *this bill is enacted after AB 2911, in which case Section 1 of this*
34 *bill shall not become operative.*

35 ~~SEC. 2.~~

36 *SEC. 3. If the Commission on State Mandates determines that*
37 *this act contains costs mandated by the state, reimbursement to*
38 *local agencies and school districts for those costs shall be made*

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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