

AMENDED IN SENATE APRIL 15, 2015

**SENATE BILL**

**No. 439**

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**Introduced by Senator Allen**

February 25, 2015

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An act to amend ~~Section 2170~~ of Sections 2170 and 13004 of, and to add Sections 303.4 and 13004.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 439, as amended, Allen. ~~Conditional~~ *Election procedures: conditional voter registration; registration: ballot on demand systems.*

Existing law permits a county elections official to offer conditional voter registration and provisional voting on election day at satellite offices of the county elections office, as specified.

This bill would also allow a county elections official to offer conditional voter registration and provisional voting at satellite offices other than on election day.

*Existing law requires the Secretary of State to adopt regulations (1) governing the manufacture, finishing, quality standards, distribution, and inventory control of ballot cards and (2) requiring the biennial inspection of the manufacturing, finishing, and storage facilities involving ballot cards. Existing law requires the Secretary to also approve each ballot card manufacturer or finisher before a manufacturer or finisher provides ballot cards for use in California elections.*

*This bill would require the Secretary to adopt regulations (1) governing ballot on demand systems, as defined, and (2) for purposes of certifying ballot on demand systems. The bill, for commercial ballot manufacturers and finishers, would require the Secretary to require a*

*biennial inspection of the certified manufacturing, finishing, and storage facilities. The bill would also require the Secretary to approve each ballot on demand system before the system is deployed for use in California elections. The bill would prohibit a jurisdiction from purchasing, leasing, or contracting for, and a vendor, company, or person from selling, leasing, or contracting with a jurisdiction for, a ballot on demand system unless the ballot on demand system has been certified by the Secretary.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 303.4 is added to the Elections Code, to  
 2     read:  
 3     303.4. “Ballot on demand system” means a self-contained  
 4     system that allows users to do any of the following on an as-needed  
 5     basis:  
 6     (a) Manufacture or finish ballot sheets or unfinished ballot  
 7     cards.  
 8     (b) Manufacture and finish card stock.  
 9     (c) Finish unfinished ballot cards into ballot cards.  
 10    ~~SECTION 1.~~  
 11    SEC. 2. Section 2170 of the Elections Code is amended to read:  
 12    2170. (a) “Conditional voter registration” means a properly  
 13    executed affidavit of ~~registration, which~~ *registration that* is  
 14    delivered by the registrant to ~~a~~ *the* county elections official during  
 15    the 14 days immediately preceding an election or on election day  
 16    and which may be deemed effective pursuant to this article after  
 17    the elections official processes the affidavit, determines the  
 18    registrant’s eligibility to register, and validates the registrant’s  
 19    information, as specified in subdivision (c).  
 20    (b) In addition to other methods of voter registration provided  
 21    by this code, an elector who is otherwise qualified to register to  
 22    vote under this code and Section 2 of Article II of the California  
 23    Constitution may complete a conditional voter registration and  
 24    cast a provisional ballot during the 14 days immediately preceding  
 25    an election or on election day pursuant to this article.  
 26    (c) (1) A conditional voter registration shall be deemed effective  
 27    if the county elections official is able to determine before or during

1 the canvass period for the election that the registrant is eligible to  
2 register to vote and that the information provided by the registrant  
3 on the registration affidavit matches information contained in a  
4 database maintained by the ~~California~~ Department of Motor  
5 Vehicles or the federal Social Security Administration.

6 (2) If the information provided by the registrant on the  
7 registration affidavit cannot be verified pursuant to paragraph (1)  
8 but the registrant is otherwise eligible to vote, the registrant shall  
9 be issued a unique identification number pursuant to Section 2150  
10 and the conditional voter registration shall be deemed effective.

11 (d) The county elections official shall offer conditional voter  
12 registration and provisional voting pursuant to this article, in  
13 accordance with the following procedures:

14 (1) The elections official shall provide conditional voter  
15 registration and provisional voting pursuant to this article at all  
16 permanent offices of the county elections official in the county.

17 (2) The elections official shall advise registrants that a  
18 conditional voter registration will be effective only if the registrant  
19 is determined to be eligible to register to vote for the election and  
20 the information provided by the registrant on the registration  
21 affidavit is verified pursuant to subdivision (c).

22 (3) The elections official shall conduct the receipt and handling  
23 of each conditional voter registration and offer and receive a  
24 corresponding provisional ballot in a manner that protects the  
25 secrecy of the ballot and allows the elections official to process  
26 the registration, to determine the registrant's eligibility to register,  
27 and to validate the registrant's information before counting or  
28 rejecting the corresponding provisional ballot.

29 (4) After receiving a conditional voter registration, the elections  
30 official shall process the registration, determine the registrant's  
31 eligibility to register, and attempt to validate the information.

32 (5) If a conditional registration is deemed effective, the elections  
33 official shall include the corresponding provisional ballot in the  
34 official canvass.

35 (e) The county elections official may offer conditional voter  
36 registration and provisional voting pursuant to this article at  
37 satellite offices of the county elections office, in accordance with  
38 the procedures specified in paragraphs (2) to (5), inclusive, of  
39 subdivision (d).

1     *SEC. 3. Section 13004 of the Elections Code is amended to*  
 2     *read:*

3     13004. (a) The Secretary of State shall adopt regulations  
 4 governing the manufacture, finishing, quality standards,  
 5 distribution, and inventory control of ballot cards and ~~requiring~~  
 6 ~~the ballot on demand systems. For commercial ballot~~  
 7 ~~manufacturers and finishers, the Secretary of State shall require~~  
 8 a biennial inspection of the *certified* manufacturing, finishing, and  
 9 storage ~~facilities involving ballot cards. facilities.~~ The Secretary  
 10 of State shall also approve each ballot card ~~manufacturer or finisher~~  
 11 ~~prior to a manufacturer or finisher providing manufacturer, finisher,~~  
 12 ~~and ballot on demand system before manufacturing or finishing~~  
 13 ~~ballot cards cards, or deploying a ballot on demand system, for~~  
 14 use in California elections.

15     (b) Not later than five working days before the Secretary of  
 16 State begins his or her initial inspection, the ballot card  
 17 ~~manufacturer or finisher manufacturer, finisher, or ballot on~~  
 18 ~~demand system vendor~~ shall disclose to the Secretary of State in  
 19 writing any known flaw or defect in its ballot card manufacturing  
 20 or finishing ~~process or process, manufactured or finished ballot~~  
 21 ~~cards cards, or ballot on demand system~~ that could adversely affect  
 22 the future casting or tallying of votes. Once approved by the  
 23 Secretary of State, the ballot card ~~manufacturer or finisher~~  
 24 ~~manufacturer, finisher, or ballot on demand system vendor~~ shall  
 25 notify the Secretary of State and the affected local elections  
 26 officials in writing within two business days after it discovers any  
 27 flaw or defect in its ballot card manufacturing or finishing ~~process~~  
 28 ~~or process, manufactured or finished ballot cards cards, or ballot~~  
 29 ~~on demand system~~ that could adversely affect the future casting  
 30 or tallying of votes.

31     *SEC. 4. Section 13004.5 is added to the Elections Code, to*  
 32 *read:*

33     13004.5. (a) A jurisdiction shall not purchase, lease, or  
 34 contract for a ballot on demand system unless the ballot on demand  
 35 system has been certified by the Secretary of State.

36     (b) A vendor, company, or person shall not sell, lease, or  
 37 contract with a jurisdiction for the use of a ballot on demand  
 38 system unless the ballot on demand system has been certified by  
 39 the Secretary of State.

1     (c) *This section does not preclude a jurisdiction from conducting*  
2 *research and development of a ballot on demand system. A ballot*  
3 *on demand system that is used for purposes of this subdivision*  
4 *shall not be used in an election conducted pursuant to this code*  
5 *unless the system has been certified by the Secretary of State.*

6     (d) *The Secretary of State shall promulgate regulations for*  
7 *purposes of certifying ballot on demand systems.*

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