

AMENDED IN ASSEMBLY AUGUST 31, 2015

AMENDED IN ASSEMBLY JUNE 11, 2015

AMENDED IN SENATE APRIL 15, 2015

SENATE BILL

No. 439

Introduced by Senator Allen

February 25, 2015

An act to amend Sections 2170 and 13004 of, and to add Sections 303.4, 2550, and 13004.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 439, as amended, Allen. Election procedures.

(1) 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.

(2) Existing law requires each precinct board to keep a roster of voters who voted at the precinct, as specified. Existing law also requires an elections official to furnish to the precinct officers, among other things, printed copies of the index to the affidavits of registration for that precinct.

This bill would require the Secretary of State to adopt and publish electronic poll book standards and regulations governing the certification and use of electronic poll books, as defined. *The bill would require that the electronic poll book include specified voter registration data.* The bill would prohibit the use of an electronic poll book unless it has been certified by the secretary.

(3) Existing law requires the secretary to adopt regulations ~~(1)~~ (A) governing the manufacture, finishing, quality standards, distribution, and inventory control of ballot cards and ~~(2)~~ (B) 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)~~ (A) governing ballot on demand systems, as defined, and ~~(2)~~ (B) 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: 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~~ both of the following on an
 5 as-needed basis:
 6 ~~(a) Manufacture or finish ballot sheets or unfinished ballot cards.~~
 7 ~~(b)~~
 8 (a) Manufacture and finish card stock.
 9 ~~(c)~~
 10 (b) Finish unfinished ballot cards into ballot cards.
 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 that is delivered by the registrant
 14 to the county elections official during the 14 days immediately
 15 preceding an election or on election day and which may be deemed
 16 effective pursuant to this article after the elections official processes

1 the affidavit, determines the registrant’s eligibility to register, and
2 validates the registrant’s information, as specified in subdivision
3 (c).

4 (b) In addition to other methods of voter registration provided
5 by this code, an elector who is otherwise qualified to register to
6 vote under this code and Section 2 of Article II of the California
7 Constitution may complete a conditional voter registration and
8 cast a provisional ballot during the 14 days immediately preceding
9 an election or on election day pursuant to this article.

10 (c) (1) A conditional voter registration shall be deemed effective
11 if the county elections official is able to determine before or during
12 the canvass period for the election that the registrant is eligible to
13 register to vote and that the information provided by the registrant
14 on the registration affidavit matches information contained in a
15 database maintained by the Department of Motor Vehicles or the
16 federal Social Security Administration.

17 (2) If the information provided by the registrant on the
18 registration affidavit cannot be verified pursuant to paragraph (1)
19 but the registrant is otherwise eligible to vote, the registrant shall
20 be issued a unique identification number pursuant to Section 2150
21 and the conditional voter registration shall be deemed effective.

22 (d) The county elections official shall offer conditional voter
23 registration and provisional voting pursuant to this article, in
24 accordance with *all of* the following procedures:

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

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

33 (3) The elections official shall conduct the receipt and handling
34 of each conditional voter registration and offer and receive a
35 corresponding provisional ballot in a manner that protects the
36 secrecy of the ballot and allows the elections official to process
37 the registration, ~~to~~ determine the registrant’s eligibility to register,
38 and ~~to~~ validate the registrant’s information before counting or
39 rejecting the corresponding provisional ballot.

1 (4) After receiving a conditional voter registration, the elections
 2 official shall process the registration, determine the registrant’s
 3 eligibility to register, and attempt to validate the registrant’s
 4 information.

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

8 (e) The county elections official may offer conditional voter
 9 registration and provisional voting pursuant to this article at
 10 satellite offices of the county elections office, in accordance with
 11 the procedures specified in paragraphs (2) to (5), inclusive, of
 12 subdivision (d).

13 SEC. 3. Section 2550 is added to the Elections Code, to read:

14 2550. (a) For purposes of this section, “electronic poll book”
 15 means an electronic list of registered voters that may be transported
 16 to the polling location. An electronic poll book shall contain ~~the~~
 17 ~~same information as the roster described in Section 14107.~~ *all of*
 18 *the following voter registration data:*

- 19 (1) *Name.*
- 20 (2) *Address.*
- 21 (3) *Precinct.*
- 22 (4) *Party preference.*
- 23 (5) *Whether or not the voter has been issued a vote by mail*
 24 *ballot.*

25 (6) *Whether or not the vote by mail ballot has been recorded*
 26 *as received by the elections official.*

27 (b) An electronic poll book shall not be used unless it has been
 28 certified by the Secretary of State.

29 (c) The Secretary of State shall adopt and publish electronic
 30 poll book standards and regulations governing the certification
 31 and use of electronic poll books.

32 (d) The Secretary of State shall not certify an electronic poll
 33 book unless it fulfills the requirements of this section and the
 34 Secretary of State’s standards and regulations.

35 SEC. 4. Section 13004 of the Elections Code is amended to
 36 read:

37 13004. (a) The Secretary of State shall adopt regulations
 38 governing the manufacture, finishing, quality standards,
 39 distribution, and inventory control of ballot cards and ballot on
 40 demand systems. For commercial ballot manufacturers and

1 finishers, the Secretary of State shall require a biennial inspection
2 of the certified manufacturing, finishing, and storage facilities.
3 The Secretary of State shall also approve each ballot card
4 manufacturer, finisher, and ballot on demand system before
5 manufacturing or finishing ballot cards, or deploying a ballot on
6 demand system, for use in California elections.

7 (b) Not later than five working days before the Secretary of
8 State begins his or her initial inspection, the ballot card
9 manufacturer, finisher, or ballot on demand system vendor shall
10 disclose to the Secretary of State in writing any known flaw or
11 defect in its ballot card manufacturing or finishing process,
12 manufactured or finished ballot cards, or ballot on demand system
13 that could adversely affect the future casting or tallying of votes.
14 Once approved by the Secretary of State, the ballot card
15 manufacturer, finisher, or ballot on demand system vendor shall
16 notify the Secretary of State and the affected local elections
17 officials in writing within two business days after it discovers any
18 flaw or defect in its ballot card manufacturing or finishing process,
19 manufactured or finished ballot cards, or ballot on demand system
20 that could adversely affect the future casting or tallying of votes.

21 SEC. 5. Section 13004.5 is added to the Elections Code, to
22 read:

23 13004.5. (a) A jurisdiction shall not purchase, lease, or contract
24 for a ballot on demand system unless the ballot on demand system
25 has been certified by the Secretary of State.

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

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

35 (d) The Secretary of State shall promulgate regulations for
36 purposes of certifying ballot on demand systems.

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