

AMENDED IN SENATE AUGUST 16, 1999

AMENDED IN SENATE JUNE 30, 1999

AMENDED IN ASSEMBLY APRIL 14, 1999

AMENDED IN ASSEMBLY APRIL 5, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 669**

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**Introduced by Assembly Member Vincent**

February 23, 1999

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An act to amend Sections 3018, ~~8062, 14311,~~ and 18370 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 669, as amended, Vincent. ~~Voter eligibility to sign nominating petitions~~ *Election procedures.*

Existing law provides that a voter using an absentee ballot may, prior to the close of the polls on election day, vote the ballot at the offices of the elections official and requires the voter to vote the ballot in the presence of any officer of the elections official or in a voting booth, as specified.

This bill would authorize elections officials to provide electronic voting devices for this purpose provided that sufficient devices are provided to include all ballot types in the election.

~~Under existing law, only a person who is an eligible registered voter is entitled to sign a nominating petition. Existing law provides that these provisions shall not prohibit~~

~~a court from validating a signature that was previously rejected upon a showing of proof that the voter whose signature is in question is otherwise qualified to sign the nomination paper.~~

~~This bill would clarify these provisions to include the validation of a signature that was previously rejected by an elections official upon showing of proof that the elections official abused his or her discretion, or failed to perform a ministerial function, and the voter whose signature is in question is otherwise qualified to sign the nomination paper.~~

~~Existing law provides that a voter who has moved from one address to another within the same county and who has not reregistered to vote at that new address may, upon showing proof of current residence, vote on the day of the election at the polling place at which he or she is entitled to vote based on his or her current residence address, or at the office of the county elections official or other central location designated by that elections official.~~

~~This bill would state that these provisions shall not affect the requirements with respect to the eligibility of a voter to sign a nominating petition and the duties of an elections official to verify signatures to a petition.~~

~~Existing law makes it a misdemeanor for any person to perform specified elections-related activities within 100 feet of a polling place or an elections official's office, as defined, on election day or at any time a voter may be casting a ballot.~~

~~This bill would exempt a satellite voting location from the definition of a polling place or an elections official's office for purposes of those provisions and would *reduce to 50 feet the applicability of these prohibitions with respect to voter satellite locations, as defined, and would* state that its provisions shall not ~~be construed to permit prohibit~~ a person who resides within 50 to 100 feet from a satellite voting location from posting, ~~in a window of in or at~~ a residence, a sign that ~~exceeds does not exceed~~ 8 square feet in size.~~

~~This bill would incorporate additional changes in Section 8062 of the Elections Code, proposed by SB 365, to be operative only if SB 365 and this bill are both chaptered and become effective on or before January 1, 2000, and this bill is chaptered last.~~



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

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

1 SECTION 1. Section 3018 of the Elections Code is  
2 amended to read:

3 3018. (a) Any voter using an absentee ballot may,  
4 prior to the close of the polls on election day, vote the  
5 ballot at the office of the elections official. The voter shall  
6 vote the ballot in the presence of an officer of the  
7 elections official or in a voting booth, at the discretion of  
8 the elections official, but in no case may his or her vote be  
9 observed. Where voting machines are used the elections  
10 official may provide one voting machine for each ballot  
11 type used within the jurisdiction. Elections officials may  
12 provide electronic voting devices for this purpose  
13 provided that sufficient devices are provided to include  
14 all ballot types in the election.

15 (b) For purposes of this section, the office of an  
16 elections official may include satellite locations. Notice of  
17 the satellite locations shall be made by the elections  
18 official by the issuance of a general news release, issued  
19 not later than 14 days prior to voting at the satellite  
20 location. The news release shall set forth the following  
21 information:

22 (1) The satellite location or locations.

23 (2) The dates and hours the satellite location or  
24 locations will be open.

25 (3) A telephone number that voters may use to obtain  
26 information regarding absentee ballots and the satellite  
27 locations.

28 (c) Absentee ballots voted at a satellite location  
29 pursuant to this section shall be placed in an absentee  
30 voter identification envelope to be completed by the  
31 voter pursuant to Section 3011. However, if the elections  
32 official utilizes electronic voting devices, the absentee  
33 ballot may be cast on an electronic voting device.

34 ~~SEC. 2. Section 8062 of the Elections Code is amended~~  
35 ~~to read:~~



1 ~~8062. (a) The number of registered voters required~~  
2 ~~to sign a nomination paper for the respective offices are~~  
3 ~~as follows:~~

4 ~~(1) State office or United States Senate, not less than~~  
5 ~~65 nor more than 100.~~

6 ~~(2) House of Representatives in Congress, State~~  
7 ~~Senate or Assembly, Board of Equalization, or any office~~  
8 ~~voted for in more than one county, and not statewide, not~~  
9 ~~less than 40 nor more than 60.~~

10 ~~(3) Candidacy in a single county or any political~~  
11 ~~subdivision of a county, other than State Senate or~~  
12 ~~Assembly, not less than 20 nor more than 40.~~

13 ~~(4) When any political party has less than 50 voters in~~  
14 ~~the state or in the county or district in which the election~~  
15 ~~is to be held, one-tenth the number of voters of the party.~~

16 ~~(5) When there are less than 150 voters in the county~~  
17 ~~or district in which the election is to be held, not less than~~  
18 ~~10 nor more than 20.~~

19 ~~(b) The provisions of this section are mandatory, not~~  
20 ~~directory, and no nomination paper shall be deemed~~  
21 ~~sufficient that does not comply with this section.~~  
22 ~~However, this subdivision shall not be construed to~~  
23 ~~prohibit withdrawal of signatures pursuant to Section~~  
24 ~~8067. This subdivision also shall not be construed to~~  
25 ~~prohibit a court from validating a signature that was~~  
26 ~~previously rejected by an elections official upon showing~~  
27 ~~of proof that the elections official abused his or her~~  
28 ~~discretion, or failed to perform a ministerial function, and~~  
29 ~~the voter whose signature is in question is otherwise~~  
30 ~~qualified to sign the nomination paper.~~

31 ~~SEC. 2.5. Section 8062 of the Elections Code is~~  
32 ~~amended to read:~~

33 ~~8062. (a) The number of registered voters required~~  
34 ~~to sign a nomination paper for the respective offices may~~  
35 ~~not be less than 40, except as provided in paragraphs (1)~~  
36 ~~and (2):~~

37 ~~(1) If a political party has less than 50 registered voters~~  
38 ~~in the relevant electoral district from which the~~  
39 ~~candidate is to be nominated, nomination papers shall be~~



1 signed by not less than 10 percent of the registered voters  
2 of the party in that district.

3 (2) If there are less than 250 registered voters in the  
4 relevant electoral district from which the candidate is to  
5 be nominated, nomination papers shall be signed by not  
6 less than 10 registered voters in that district.

7 (b) The provisions of this section are mandatory, not  
8 directory, and no nomination paper shall be deemed  
9 sufficient that does not comply with this section. This  
10 subdivision also may not be construed to prohibit a court  
11 from validating a signature that was previously rejected  
12 by an elections official upon showing of proof that the  
13 elections official abused his or her discretion, or failed to  
14 perform a ministerial function, and the voter whose  
15 signature is in question is otherwise qualified to sign the  
16 nomination paper.

17 SEC. 3. Section 14311 of the Elections Code is  
18 amended to read:

19 14311. (a) A voter who has moved from one address  
20 to another within the same county and who has not  
21 reregistered to vote at that new address may, at his or her  
22 option, and upon showing proof of current residence,  
23 vote on the day of the election at the polling place at  
24 which he or she is entitled to vote based on his or her  
25 current residence address, or at the office of the county  
26 elections official or other central location designated by  
27 that elections official. The voter shall be reregistered at  
28 the place of voting for future elections.

29 (b) Voters casting ballots under this section shall be  
30 required to vote by provisional ballot, as provided in  
31 Section 14310.

32 (c) The Secretary of State shall, by regulation, adopt  
33 procedures for determining the documents or other  
34 materials that constitute proof of residence for purposes  
35 of voting under this section.

36 (d) This section shall not affect the requirements of  
37 Chapter 2 (commencing with Section 100) of Division 0.5  
38 of the Elections Code with respect to the eligibility of a  
39 voter to sign a petition and the duties of an election  
40 official to verify signatures to a petition.



1 ~~SEC. 4.—~~

2 *SEC. 2.* Section 18370 of the Elections Code is  
3 amended to read:

4 18370. (a) ~~No~~ *Except as provided in subdivision (c),*  
5 *no* person, on election day, or at any time that a voter may  
6 be casting a ballot, shall, within 100 feet of a polling place  
7 or an elections official’s office:

8 (1) Circulate an initiative, referendum, recall, or  
9 nomination petition or any other petition.

10 (2) Solicit a vote or speak to a voter on the subject of  
11 marking his or her ballot.

12 (3) Place a sign relating to voters’ qualifications or  
13 speak to a voter on the subject of his or her qualifications  
14 except as provided in Section 14240.

15 (4) Do any electioneering.

16 (b) As used in this section, “100 feet of a polling place  
17 or an elections official’s office” means a distance 100 feet  
18 from the room or rooms in which voters are signing the  
19 ~~roster and casting ballots, except at a satellite voting~~  
20 ~~location.~~

21 ~~(c) Nothing in this section shall be construed to permit~~  
22 ~~a person who resides within 100 feet from a satellite~~  
23 ~~voting location from posting, in a window of a residence,~~  
24 ~~a sign that exceeds eight square feet in size. roster and~~  
25 ~~casting ballots.~~

26 (c) *No person shall, within 50 feet of a satellite voting*  
27 *location, perform any of the activities specified in*  
28 *subdivision (a). However, nothing herein shall prohibit a*  
29 *person who resides within 50 to 100 feet of a satellite*  
30 *voting location from posting or displaying a sign in or at*  
31 *a residence that does not exceed eight square feet in size.*  
32 *As used in this subdivision “50 feet of a satellite voting*  
33 *location” or “100 feet of a satellite voting location” means*  
34 *a distance of 50 feet or 100 feet, respectively, from the*  
35 *room or rooms of a satellite voting location in which*  
36 *voters are casting ballots pursuant to Section 3018.*

37 (d) Any person who violates any of the provisions of  
38 this section is guilty of a misdemeanor.

39 ~~SEC. 5.~~ Section 2.5 of this bill incorporates  
40 amendments to Section 8062 of the Elections Code



1 ~~proposed by both this bill and SB 365. It shall only become~~  
2 ~~operative if (1) both bills are enacted and become~~  
3 ~~effective on or before January 1, 2000, (2) each bill~~  
4 ~~amends Section 8062 of the Elections Code, and (3) this~~  
5 ~~bill is enacted after SB 365, in which case Section 2 of this~~  
6 ~~bill shall not become operative.~~

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