

Assembly Bill No. 814

Passed the Assembly August 27, 2010

Chief Clerk of the Assembly

Passed the Senate August 19, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 3010, 13300, and 13303 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 814, Hill. Elections: ballots: notification.

Existing law requires elections officials to provide a sample ballot to each voter registered at least 29 days prior to an election. Existing law requires elections officials to send notice of the polling place to voters registered after 29 days prior to an election. Existing law further requires elections officials to provide a vote by mail ballot and supplies necessary to complete and return the ballot to each qualified vote by mail voter prior to an election.

This bill would require, for a statewide election, that elections officials include a notification with the sample ballot, or notice of the polling place, that would inform the voter that he or she will receive a state ballot pamphlet. The bill would additionally require that elections officials include a notification with the vote by mail ballot that would inform the voter that he or she should receive a voter information guide.

Because the bill would require additional duties from elections officials, it would impose a state-mandated local program.

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.

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

SECTION 1. Section 3010 of the Elections Code is amended to read:

3010. The elections official shall deliver to each qualified applicant:

(a) The ballot for the precinct in which he or she resides. In primary elections this shall also be accompanied by the ballot for the central committee of the party with which the voter is affiliated, if any.

(b) All supplies necessary for the use and return of the ballot.

(c) A notification that the voter should receive a voter information guide containing detailed information on the candidates and measures that will be on the ballot for the election.

No officer of this state may make any charge for services rendered to any voter under this chapter.

SEC. 2. Section 13300 of the Elections Code, as amended by Section 53 of Chapter 1 of the Statutes of 2009, is amended to read:

13300. (a) By at least 29 days before the primary, each county elections official shall prepare separate sample ballots for each political party and a separate sample nonpartisan ballot, placing thereon in each case in the order provided in Chapter 2 (commencing with Section 13100), and under the appropriate title of each office, the names of all candidates for whom nomination papers have been duly filed with him or her or have been certified to him or her by the Secretary of State to be voted for in his or her county at the primary election.

(b) The sample ballot shall be identical to the official ballots, except as otherwise provided by law. The sample ballots shall be printed on paper of a different texture from the paper to be used for the official ballot.

(c) One sample ballot of the party for which the voter has disclosed a preference, as evidenced by his or her registration, shall be mailed to each voter entitled to vote at the primary who registered at least 29 days prior to the election not more than 40 nor less than 10 days before the election. A nonpartisan sample ballot shall be so mailed to each voter who is not registered as preferring with any of the parties participating in the primary election, provided that on election day any person may, upon request, vote the ballot of a political party if authorized by the party's rules, duly noticed to the Secretary of State.

(d) For a statewide election, a notification shall be included with each sample ballot, stating that the voter shall receive a state ballot pamphlet at least one week prior to the election. The notice shall also include information as to where the voter can obtain a ballot

pamphlet prior to the election, a statement indicating that a ballot pamphlet will be made available at the Secretary of State's Internet Web site, and that the ballot pamphlet will be available at the polling place at the time of the election. The notice shall also include the telephone number designated by the county elections official, where a voter may request that a ballot pamphlet be mailed to him or her.

SEC. 3. Section 13303 of the Elections Code is amended to read:

13303. (a) For each election, each appropriate elections official shall cause to be printed, on plain white paper or tinted paper, without watermark, at least as many copies of the form of ballot provided for use in each voting precinct as there are voters in the precinct. These copies shall be designated "sample ballot" upon their face and shall be identical to the official ballots used in the election, except as otherwise provided by law. A sample ballot shall be mailed, postage prepaid, not more than 40 nor less than 21 days before the election to each voter who is registered at least 29 days prior to the election.

(b) The elections official shall send notice of the polling place to each voter with the sample ballot. Only official matter shall be sent out with the sample ballot as provided by law. For a statewide election, the notice shall also include a statement indicating that a ballot pamphlet will be made available at the Secretary of State's Internet Web site, and that the ballot pamphlet will be available at the polling place at the time of the election. The notice shall also include the telephone number designated by the county elections official, where a voter may request that a ballot pamphlet be mailed to him or her.

(c) The elections official shall send notice of the polling place to each voter who registered after the 29th day prior to the election and is eligible to participate in the election. The notice shall also include information as to where the voter can obtain a sample ballot and a ballot pamphlet prior to the election, a statement indicating that those documents will be available at the polling place at the time of the election, and the address of the Secretary of State's Internet Web site and, if applicable, of the county Web site where a sample ballot may be viewed.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to

local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2010

Governor