

AMENDED IN SENATE AUGUST 20, 2010

AMENDED IN ASSEMBLY APRIL 12, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2616

Introduced by Assembly Member Hill

February 19, 2010

An act to amend Section 3017 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2616, as amended, Hill. Elections: vote by mail ballots.

Existing law requires an elections official to count only those vote by mail ballots returned by mail that are received by the elections official or delivered to a polling place by the close of the polls on the day of the election that contain specified information. Existing law also requires the elections official to establish procedures to ensure the secrecy of any vote by mail ballot returned to a precinct polling place.

Existing law also requires procedures to track and confirm the receipt of voted vote by mail ballots and requires that this information be available by means of online access using the county's elections division Internet Web site. Existing law requires the elections official to establish procedures to ensure the security, confidentiality, and integrity of any personal information collected, stored, or otherwise used in tracking vote by mail ballots.

This bill would require ~~the Secretary of State, when a specified statewide voter registration database is implemented, in coordination with~~ county elections officials, ~~to establish procedures to permit a voter~~ *vote* by mail voter to find out whether his or her vote had been counted,

and if not, the reason why, via online access on the ~~Secretary of State's~~ county's Internet Web site or via a toll-free telephone number.

Because this bill would impose new duties on local 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.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The number of voters choosing to vote using a vote by mail
4 ballot has increased from 23 percent of voters casting a vote by
5 mail ballot in June 2000 to 57 percent in June 2010.

6 (b) Vote by mail voters currently do not enjoy rights provided
7 to provisional voters who, by law, have the ability to find out after
8 an election if their votes counted, and if not, why not.

9 (c) A voter's signature changes over time, often because of age
10 or illness, so a voter's present-day signature may not match the
11 signature from when he or she first registered to vote.

12 (d) Shifts in signatures over time may lead to legally eligible
13 voters being disenfranchised and not having their votes counted.

14 (e) The technology used to allow provisional voters to find out
15 after an election if their votes were counted can be used to allow
16 vote by mail voters to do the same.

17 ~~SECTION 1.~~

18 SEC. 2. Section 3017 of the Elections Code is amended to read:

19 3017. (a) All vote by mail ballots cast under this division shall
20 be voted on or before the day of the election. After marking the
21 ballot, the vote by mail voter shall do either of the following: (1)
22 return the ballot by mail or in person to the elections official from
23 whom it came or (2) return the ballot in person to any member of

1 a precinct board at any polling place within the jurisdiction.
2 However, a vote by mail voter who, because of illness or other
3 physical disability, is unable to return the ballot may designate his
4 or her spouse, child, parent, grandparent, grandchild, brother, sister,
5 or a person residing in the same household as the vote by mail
6 voter to return the ballot to the elections official from whom it
7 came or to the precinct board at any polling place within the
8 jurisdiction. The ballot must, however, be received by either the
9 elections official from whom it came or the precinct board before
10 the close of the polls on election day.

11 (b) The elections official shall establish procedures to ensure
12 the secrecy of any ballot returned to a precinct polling place and
13 the security, confidentiality, and integrity of any personal
14 information collected, stored, or otherwise used pursuant to this
15 section.

16 (c) ~~On or before March 1, 2008, the~~ The elections official shall
17 ~~establish procedures~~ *permit a legally registered voter to track and*
18 *confirm the receipt of voted vote by mail ballots, and permit a*
19 *vote by mail voter to find out whether his or her ballot was counted*
20 *and if not, identify the reason why, and to make this information*
21 *available by means of online access using the county's elections*
22 *division Internet Web site. If the county does not have an elections*
23 *division Internet Web site, the elections official shall establish a*
24 *toll-free telephone number that may be used to* ~~confirm the date a~~
25 ~~voted vote by mail ballot was received.~~ *obtain this same*
26 *information regarding vote by mail ballots.*

27 (d) The provisions of this section are mandatory, not directory,
28 and no ballot shall be counted if it is not delivered in compliance
29 with this section.

30 (e) Notwithstanding subdivision (a), no vote by mail voter's
31 ballot shall be returned by any paid or volunteer worker of any
32 general purpose committee, controlled committee, independent
33 expenditure committee, political party, candidate's campaign
34 committee, or any other group or organization at whose behest the
35 individual designated to return the ballot is performing a service.
36 However, this subdivision shall not apply to a candidate or a
37 candidate's spouse.

38 (f) ~~The Secretary of State, in coordination with county elections~~
39 ~~officials, shall establish procedures to permit a vote by mail voter~~
40 ~~to find out whether his or her ballot was counted and if not, identify~~

1 ~~the reason why, by means of accessing the Secretary of State's~~
2 ~~Internet Web site. This subdivision shall become operative when,~~
3 ~~as determined by the Secretary of State, VoteCal, the statewide~~
4 ~~voter registration database, is implemented.~~

5 *SEC. 3. If the Commission on State Mandates determines that*
6 *this act contains costs mandated by the state, reimbursement to*
7 *local agencies and school districts for those costs shall be made*
8 *pursuant to Part 7 (commencing with Section 17500) of Division*
9 *4 of Title 2 of the Government Code.*