Assembly Bill No. 293

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Passed the Assembly April 11, 2011

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Chief Clerk of the Assembly

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Passed the Senate August 18, 2011

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Secretary of the Senate

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This bill was received by the Governor this _____ day of _____, 2011, at _____ o'clock ___м.

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Private Secretary of the Governor

CHAPTER _____

An act to amend Section 3019 of the Elections Code, relating to elections.

AB 293, Hill. Vote by mail ballots.

Existing law sets forth procedures for voting by mail and requires the local elections official to compare the signature on a vote by mail ballot received with the voter's signature that appears on the affidavit of registration. Existing law requires the elections official to establish procedures to track and confirm the receipt of vote by mail ballots that are voted and to make that information available by means of online access using the county's elections division Internet Web site, or, if it has no Internet Web site, then by toll-free telephone number that may be used to confirm the date the ballot was received.

This bill would require the local elections official to establish a free access system by which a vote by mail voter may find out whether his or her ballot was counted and, if not, the reason why it was not counted, thereby imposing 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 3019 of the Elections Code is amended to read:

3019. Upon receipt of the vote by mail ballot the elections official shall compare the signature on the envelope with that appearing on the affidavit of registration and, if they compare,

deposit the ballot, still in the identification envelope, in a ballot container in his or her office. A variation of the signature caused by the substitution of initials for the first or middle name, or both, shall not invalidate the ballot. If the ballot is rejected because the signatures do not compare, the envelope shall not be opened and the ballot shall not be counted. The cause of the rejection shall be written on the face of the identification envelope.

If the elections official has compared the signature of the voter's application with the affidavit pursuant to Section 3009, the application may be used rather than the affidavit to make the signature check required by this section.

No ballot shall be removed from its identification envelope until the time for processing. No ballot shall be rejected for cause after the envelope has been opened.

In determining from the records of registration if the signature and residence address on the identification envelope appear to be the same as those on the affidavit of registration, the elections official or registrar of voters may use the duplicate file of affidavits of registered voters or the facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with the law.

The elections official shall establish a free access system that allows a vote by mail voter to find out whether his or her vote by mail ballot was counted and, if not, the reason why the ballot was not counted.

SEC. 2.   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 _____, 2011

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Governor