

Introduced by Senator La Malfa

February 3, 2011

An act to amend Section 15104 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 165, as introduced, La Malfa. Elections: vote by mail ballot processing.

Existing law provides that specified persons may observe and challenge the manner in which vote by mail ballots are handled and processed by county elections officials and that vote by mail voter observers be permitted sufficient close access to observe vote by mail ballot return envelopes and the signatures thereon.

This bill would make a nonsubstantive change to these provisions.

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 15104 of the Elections Code is amended
2 to read:
3 15104. (a) The processing of vote by mail ballot return
4 envelopes, and the processing and counting of vote by mail ballots,
5 shall be open to the public, both prior to and after the election.
6 (b) A member of the county grand jury, and at least one member
7 each of the Republican county central committee, the Democratic
8 county central committee, and of any other party with a candidate
9 on the ballot, and any other interested organization, shall be
10 permitted to observe and challenge the manner in which the vote

1 by mail ballots are handled, from the processing of vote by mail
2 ballot return envelopes through the counting and disposition of
3 the ballots.

4 (c) The elections official shall notify vote by mail voter
5 observers and the public at least 48 hours in advance of the dates,
6 times, and places where vote by mail ballots will be processed and
7 counted.

8 (d) Notwithstanding paragraph (2) of subdivision (b) of Section
9 2194, vote by mail voter observers shall be allowed sufficiently
10 close access to enable them to observe the vote by mail ballot
11 return envelopes and the signatures thereon and *to* challenge
12 whether those individuals handling vote by mail ballots are
13 following established procedures, including all of the following:

14 (1) Verifying signatures and addresses on the vote by mail ballot
15 return envelopes by comparing them to voter registration
16 information.

17 (2) Duplicating accurately damaged or defective ballots.

18 (3) Securing vote by mail ballots to prevent tampering with
19 them before they are counted on election day.

20 (e) A vote by mail voter observer shall not interfere with the
21 orderly processing of vote by mail ballot return envelopes or the
22 processing and counting of vote by mail ballots, including the
23 touching or handling of the ballots.