

AMENDED IN ASSEMBLY APRIL 24, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2562

Introduced by Assembly Member Fong

February 21, 2014

~~An act to amend Sections 14300, 17301, and 17302 of the Elections Code, relating to elections.~~ *An act to amend Section 5091 of the Education Code, to amend Sections 100, 105, 2102, 2107, 9020, 11302, 14300, 17301, and 17302 of, and to repeal Section 10552 of, the Elections Code, relating to elections.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2562, as amended, Fong. Elections: ~~ballots~~.

(1) Existing law provides that whenever a vacancy occurs or a resignation containing a deferred effective date has been filed with the county superintendent of schools, the school district or community college district governing board is required, within 60 days, to either order an election or make a provisional appointment. Existing law provides that if a provisional appointment is made, the registered voters of the district may, within 30 days, petition for a special election to fill the vacancy, and requires a specified number of registered voters of the district to sign the petition.

This bill would clarify the meaning of “registered voters” of the district for purposes of those provisions.

(2) Under existing law, a person may not be registered to vote except by affidavit of registration. Existing law requires a properly executed registration to be deemed effective upon receipt of the affidavit of registration by the county elections official if the affidavit is postmarked, submitted to the Department of Motor Vehicles or a voter registration

agency, or delivered to the county elections official by other means on or before the 15th day prior to the election.

This bill would also require the registration to be deemed effective upon receipt of the affidavit by the county elections official if the affidavit is submitted electronically on the Internet Web site of the Secretary of State on or before the 15th day prior to the election.

(3) Existing law entitles only an eligible registered voter to sign an initiative, referendum, recall, nominating petition or paper, or any other petition or paper and requires each signer to personally affix his or her signature, printed name, and place of residence on the petition or paper. Existing law requires the elections official, when verifying signatures on a petition or paper, to determine that the residence address on the petition or paper is the same as the residence address on the affidavit of registration. If the addresses are different, the petition or paper does not specify the residence address, or certain information is not included, existing law requires that the affected signature not be counted as valid.

This bill would prohibit an elections official who is verifying signatures on a petition or paper from invalidating a signature for an incomplete or inaccurate apartment or unit number in the residence address.

(4) Existing law requires the county elections official to file with the Secretary of State a statement containing specified information for each election in the county held pursuant to the Uniform District Election Law. Existing law requires the county elections official to file the statement no later than December 31 immediately following a general district election.

This bill would repeal these provisions.

(5) Existing provisions of the California Constitution and statute authorize the recall of state and local officers. Under existing law, if a vacancy occurs in office after a recall petition is filed against the vacating officer, the recall election is required to proceed. The vacancy in that office is required to be filled as provided by law, but a person appointed to fill the vacancy holds office only until a successor is selected and qualifies for that office.

This bill would delete and correct erroneous cross-references in this provision of law.

(6) Existing law regulates generally the issuing of ballots on election day as well as the use of direct recording electronic voting systems. Existing law defines the terms “direct recording electronic voting system” and “paper record copy” for purposes of these provisions.

This bill would correct erroneous cross references to the code section that defines those terms.

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 5091 of the Education Code is amended
2 to read:

3 5091. (a) ~~Whenever~~(1) If a vacancy occurs, or ~~whenever if~~
4 a resignation has been filed with the county superintendent of
5 schools containing a deferred effective date, the school district or
6 community college district governing board shall, within 60 days
7 of the vacancy or the filing of the deferred resignation, either order
8 an election or make a provisional appointment to fill the vacancy.
9 A governing board member may not defer the effective date of his
10 or her resignation for more than 60 days after he or she files the
11 resignation with the county superintendent of schools.

12 ~~It~~

13 (2) In the event that a governing board fails to make a
14 provisional appointment or order an election within the prescribed
15 60-day period as required by this section, the county superintendent
16 of schools shall order an election to fill the vacancy.

17 (b) When an election is ordered, it shall be held on the next
18 established election date provided pursuant to Chapter 1
19 (commencing with Section 1000) of Division 1 of the Elections
20 Code not less than 130 days after the order of the election.

21 (c) (1) If a provisional appointment is made within the 60-day
22 period, the registered voters of the district may, within 30 days
23 from the date of the appointment, petition for the conduct of a
24 special election to fill the vacancy. A petition shall be deemed to
25 bear a sufficient number of signatures if signed by at least the
26 number of registered voters of the district equal to 1 ½ percent of
27 the number of registered voters of the district at the time of the
28 last regular election for governing board members, or 25 registered
29 voters, whichever is greater. However, in districts with ~~registered~~
30 ~~voters of less than 2,000 persons;~~ *registered voters*, a petition shall
31 be deemed to bear a sufficient number of signatures if signed by
32 at least 5 percent of the number of registered voters of the district

1 at the time of the last regular election for governing board
2 members.

3 (2) The petition shall be submitted to the county superintendent
4 of schools having jurisdiction who shall have 30 days to verify the
5 signatures. If the petition is determined to be legally sufficient by
6 the county superintendent of schools, the provisional appointment
7 is terminated, and the county superintendent of schools shall order
8 a special election to be conducted no later than the 130th day after
9 the determination. However, if an established election date, as
10 defined in Section 1000 of the Elections Code, occurs between the
11 130th day and the 150th day following the order of the election,
12 the county superintendent of schools may order the special election
13 to be conducted on the regular election date.

14 (3) *For purposes of this section, “registered voters” means the*
15 *following:*

16 (A) *If the district uses the at-large method of election, as defined*
17 *in subdivision (a) of Section 14026 of the Elections Code,*
18 *registered voters of the entire school district or community college*
19 *district.*

20 (B) *If the district uses district-based elections, as defined in*
21 *subdivision (b) of Section 14026 of the Elections Code, registered*
22 *voters of the election district.*

23 (d) A provisional appointment made pursuant to subdivision
24 (a) confers all powers and duties of a governing board member
25 upon the appointee immediately following his or her appointment.

26 (e) A person appointed to fill a vacancy shall hold office only
27 until the next regularly scheduled election for district governing
28 board members, whereupon an election shall be held to fill the
29 vacancy for the remainder of the unexpired term. A person elected
30 at an election to fill the vacancy shall hold office for the remainder
31 of the term in which the vacancy occurs or will occur.

32 (f) (1) ~~Whenever~~ *If* a petition calling for a special election is
33 circulated, the petition shall meet all of the following requirements:

34 (A) The petition shall contain the estimate of the elections
35 official of the cost of conducting the special election.

36 (B) The name and residence address of at least one, but not
37 more than five, of the proponents of the petition shall appear on
38 the petition, each of which proponents shall be a registered voter
39 of the school district or community college district, as applicable.

1 (C) None of the text or other language of the petition shall
2 appear in less than six-point type.

3 (D) The petition shall be prepared and circulated in conformity
4 with Sections 100 and 104 of the Elections Code.

5 (2) If any of the requirements of this subdivision are not met as
6 to any petition calling for a special election, the county
7 superintendent of schools shall not verify the signatures, nor shall
8 any further action be taken with respect to the petition.

9 (3) No person shall permit the list of names on petitions
10 prescribed by this section to be used for any purpose other than
11 qualification of the petition for the purpose of holding an election
12 pursuant to this section.

13 (4) The petition filed with the county superintendent of schools
14 shall be subject to the restrictions in Section 6253.5 of the
15 Government Code.

16 (g) Elections held pursuant to subdivisions (b) and (c) shall be
17 conducted in as nearly the same manner as practicable as other
18 governing board member elections.

19 *SEC. 2. Section 100 of the Elections Code, as enacted by*
20 *Section 2 of Chapter 920 of the Statutes of 1994, is amended to*
21 *read:*

22 100. (a) Notwithstanding any other provision of law, whenever
23 ~~any~~ an initiative, referendum, recall, nominating petition or paper,
24 or any other petition or paper, is required to be signed by voters
25 of ~~any~~ a county, city, school district, or special district subject to
26 petitioning, only a person who is an eligible registered voter at the
27 time of signing the petition or paper is entitled to sign it. ~~Each~~

28 (b) A signer shall at the time of signing the petition or paper
29 personally affix his or her signature, printed name, and place of
30 residence, ~~giving including the street and number of the place of~~
31 ~~residence,~~ and if no street or number ~~for the place of residence~~
32 exists, then a designation of the place of residence ~~which~~ that will
33 enable the location to be readily ascertained. *An incomplete or*
34 *inaccurate apartment or unit number in the signer's residence*
35 *address shall not invalidate his or her signature pursuant to Section*
36 *105. A space at least one inch wide shall be left blank after each*
37 *name for the use of the elections official in verifying the petition*
38 *or paper. The*

39 (c) *The part of a petition for the voters' signatures, printed*
40 *names, and residence addresses of the voters and for the blank*

- 1 spaces for verification purposes shall be numbered consecutively
- 2 commencing with the number one and continuing through the
- 3 number of signature spaces allotted to each section. The petition
- 4 format shall be substantially in the following form:
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Official
Use
Only

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(Print Name)	(Residence Address ONLY)	
1. _____ (Signature)	_____ (City)	
(Print Name)	(Residence Address ONLY)	
2. _____ (Signature)	_____ (City)	

SEC. 3. Section 100 of the Elections Code, as amended by Section 1 of Chapter 364 of the Statutes of 2009, is amended to read:

100. (a) Notwithstanding any other provision of law, whenever an initiative, referendum, recall, nominating petition or paper, or any other petition or paper, is required to be signed by voters of a county, city, school district, or special district subject to petitioning, only a person who is an eligible registered voter at the time of signing the petition or paper is entitled to sign the petition or paper. A person who submits his or her affidavit of registration pursuant to subdivision (d) of Section 2102 is not eligible to sign a petition or paper unless at the time of the signing of the petition or paper he or she is 18 years of age.

(b) A signer shall at the time of signing the petition or paper personally affix his or her signature, printed name, and place of residence, including the street and number of the place of residence, and if no street or number for the place of residence exists, then a designation of the place of residence that will enable the location to be readily ascertained. *An incomplete or inaccurate apartment or unit number in the signer's residence address shall not*

1 *invalidate his or her signature pursuant to Section 105.* A space
2 at least one inch wide shall be left blank after each name for the
3 use of the elections official in verifying the petition or paper.

4 (c) The part of a petition for the signatures, printed names, and
5 residence addresses of the voters and for the blank spaces for
6 verification purposes shall be numbered consecutively commencing
7 with the number one and continuing through the number of
8 signature spaces allotted to each section. The petition format shall
9 be substantially in the following form:

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Official
Use
Only

(Print Name) <hr/>	(Residence Address ONLY) <hr/>	
1. (Signature)	(City)	
(Print Name) <hr/>	(Residence Address ONLY) <hr/>	
2. (Signature)	(City)	

28 *SEC. 4. Section 105 of the Elections Code is amended to read:*
29 105. (a) (1) For purposes of verifying ~~signatures~~ a signature
30 on ~~any~~ an initiative, referendum, recall, nomination, or other
31 election petition or paper, the elections official shall determine
32 that the residence address on the petition or paper is the same as
33 the residence address on the affidavit of registration. If the
34 addresses are different, or if the petition or paper does not specify
35 the residence address, or, in the case of an initiative or referendum
36 petition, ~~if~~ the information specified in Section 9020 is not
37 contained in the petition, the affected signature shall not be counted
38 as valid.

39 ~~Any~~

1 (2) Notwithstanding paragraph (1), the elections official shall
2 not invalidate a signature for an incomplete or inaccurate
3 apartment or unit number in the signer’s residence address.

4 (b) A signature invalidated pursuant to this section shall not
5 affect the validity of ~~other another~~ valid ~~signatures~~ signature on
6 the particular petition or paper.

7 SEC. 5. Section 2102 of the Elections Code, as amended by
8 Section 2 of Chapter 899 of the Statutes of 2000, is amended to
9 read:

10 2102. (a) A person may not be registered as a voter except by
11 affidavit of registration. The affidavit shall be mailed or delivered
12 to the county elections official and shall set forth all of the facts
13 required to be shown by this chapter. A properly executed
14 registration shall be deemed effective upon receipt of the affidavit
15 by the county elections official if received on or before the 15th
16 day prior to an election to be held in the registrant’s precinct. A
17 properly executed registration shall also be deemed effective upon
18 receipt of the affidavit by the county elections official if any of
19 the following apply:

20 (1) The affidavit is postmarked on or before the 15th day prior
21 to the election and received by mail by the county elections official.

22 (2) The affidavit is submitted to the Department of Motor
23 Vehicles or accepted by any other public agency designated as a
24 voter registration agency pursuant to the *federal* National Voter
25 Registration Act of 1993 (42 U.S.C. Sec. ~~1973gg~~ 1973gg et seq.)
26 on or before the 15th day prior to the election.

27 (3) The affidavit is delivered to the county elections official by
28 means other than those described in paragraphs (1) ~~or~~ and (2) on
29 or before the 15th day prior to the election.

30 (4) The affidavit is submitted electronically on the Internet Web
31 site of the Secretary of State pursuant to Section 2196 on or before
32 the 15th day prior to the election.

33 (b) For purposes of verifying ~~signatures~~ a signature on a recall,
34 initiative, or referendum petition or ~~signatures~~ a signature on a
35 nomination paper or any other election petition or election paper,
36 a properly executed affidavit of registration shall be deemed
37 effective for verification purposes if both ~~(a) the affidavit is signed~~
38 ~~on the same date or a date prior to the signing of the petition or~~
39 ~~paper, and (b) the affidavit is received by the county elections~~

1 ~~official on or before the date on which the petition or paper is filed.~~
 2 *following conditions are satisfied:*
 3 (1) *The affidavit is signed on the same date or a date prior to*
 4 *the signing of the petition or paper.*
 5 (2) *The affidavit is received by the county elections official on*
 6 *or before the date on which the petition or paper is filed.*
 7 (c) ~~Notwithstanding any other provision of law to the contrary,~~
 8 ~~the affidavit of registration required under this chapter may shall~~
 9 ~~not be taken under sworn oath, but the content of the affidavit shall~~
 10 ~~be certified as to its truthfulness and correctness, under penalty of~~
 11 ~~perjury, by the signature of the affiant.~~
 12 *SEC. 6. Section 2102 of the Elections Code, as amended by*
 13 *Section 2 of Chapter 364 of the Statutes of 2009, is amended to*
 14 *read:*
 15 2102. (a) A person may not be registered as a voter except by
 16 affidavit of registration. The affidavit shall be mailed or delivered
 17 to the county elections official and shall set forth all of the facts
 18 required to be shown by this chapter. A properly executed
 19 registration shall be deemed effective upon receipt of the affidavit
 20 by the county elections official if received on or before the 15th
 21 day prior to an election to be held in the registrant’s precinct. A
 22 properly executed registration shall also be deemed effective upon
 23 receipt of the affidavit by the county elections official if any of
 24 the following apply:
 25 (1) The affidavit is postmarked on or before the 15th day prior
 26 to the election and received by mail by the county elections official.
 27 (2) The affidavit is submitted to the Department of Motor
 28 Vehicles or accepted by any other public agency designated as a
 29 voter registration agency pursuant to the *federal* National Voter
 30 Registration Act of 1993 (42 U.S.C. Sec. ~~1973gg~~ *1973gg et seq.*)
 31 on or before the 15th day prior to the election.
 32 (3) The affidavit is delivered to the county elections official by
 33 means other than those described in paragraphs (1) ~~or~~ and (2) on
 34 or before the 15th day prior to the election.
 35 (4) *The affidavit is submitted electronically on the Internet Web*
 36 *site of the Secretary of State pursuant to Section 2196 on or before*
 37 *the 15th day prior to the election.*
 38 (b) For purposes of verifying ~~signatures~~ *a signature* on a recall,
 39 initiative, or referendum petition or ~~signatures~~ *a signature* on a
 40 nomination paper or any other election petition or election paper,

1 a properly executed affidavit of registration shall be deemed
2 effective for verification purposes if both of the following
3 conditions are satisfied:

4 (1) The affidavit is signed on the same date or a date prior to
5 the signing of the petition or paper.

6 (2) The affidavit is received by the county elections official on
7 or before the date on which the petition or paper is filed.

8 (c) Notwithstanding any other ~~provision of law to the contrary,~~
9 the affidavit of registration required under this chapter ~~may~~ *shall*
10 not be taken under sworn oath, but the content of the affidavit shall
11 be certified as to its truthfulness and correctness, under penalty of
12 perjury, by the signature of the affiant.

13 (d) A person who is at least 17 years of age and otherwise meets
14 all eligibility requirements to vote may submit his or her affidavit
15 of registration as prescribed by this section. A properly executed
16 registration made pursuant to this subdivision shall be deemed
17 effective as of the date the affiant will be 18 years of age, if the
18 information in the affidavit of registration is still current at that
19 time. If the information provided by the affiant in the affidavit of
20 registration is not current at the time that the registration would
21 otherwise become effective, for his or her registration to become
22 effective, the affiant shall provide the current information to the
23 proper county elections official as prescribed by this chapter.

24 *SEC. 7. Section 2107 of the Elections Code, as amended by*
25 *Section 3 of Chapter 899 of the Statutes of 2000, is amended to*
26 *read:*

27 2107. (a) Except as provided in subdivision (b), the county
28 elections official shall accept affidavits of registration at all times
29 except during the 14 days immediately preceding ~~any~~ *an* election,
30 when registration shall cease for that election as to electors residing
31 in the territory within which the election is ~~to be~~ held. Transfers
32 of registration for an election may be made from one precinct to
33 another precinct in the same county at any time ~~when~~ registration
34 is in progress in the precinct to which the elector seeks to transfer.

35 (b) The county elections official shall accept an affidavit of
36 registration executed as part of a voter registration card in the
37 forthcoming election if the affidavit is executed on or before the
38 15th day prior to the election, and if any of the following apply:

39 (1) The affidavit is postmarked on or before the 15th day prior
40 to the election and received by mail by the county elections official.

1 (2) The affidavit is submitted to the Department of Motor
 2 Vehicles or accepted by any other public agency designated as a
 3 voter registration agency pursuant to the *federal* National Voter
 4 Registration Act of 1993 (42 U.S.C. Sec. ~~1973gg~~ 1973gg *et seq.*)
 5 on or before the 15th day prior to the election.

6 (3) The affidavit is delivered to the county elections official by
 7 means other than those described in paragraphs ~~(2) (1)~~ and ~~(3) (2)~~
 8 on or before the 15th day prior to the election.

9 (4) *The affidavit is submitted electronically on the Internet Web*
 10 *site of the Secretary of State pursuant to Section 2196 on or before*
 11 *the 15th day prior to the election.*

12 *SEC. 8. Section 2107 of the Elections Code, as amended by*
 13 *Section 1 of Chapter 497 of the Statutes of 2012, is amended to*
 14 *read:*

15 2107. (a) Except as provided in subdivision (b) and Article
 16 4.5 (commencing with Section 2170), the county elections official
 17 shall accept affidavits of registration at all times except during the
 18 14 days immediately preceding ~~any~~ an election, when registration
 19 shall cease for that election as to electors residing in the territory
 20 within which the election is held. Transfers of registration for an
 21 election may be made from one precinct to another precinct in the
 22 same county at any time registration is in progress in the precinct
 23 to which the elector seeks to transfer.

24 (b) The county elections official shall accept an affidavit of
 25 registration executed as part of a voter registration card in the
 26 forthcoming election if the affidavit is executed on or before the
 27 15th day prior to the election, and if any of the following apply:

28 (1) A mailed affidavit is postmarked on or before the 15th day
 29 prior to the election and received by mail by the county elections
 30 official before the close of the polls on election day.

31 (2) The affidavit is submitted to the Department of Motor
 32 Vehicles or accepted by any other public agency designated as a
 33 voter registration agency pursuant to the federal National Voter
 34 Registration Act of 1993 (42 U.S.C. Sec. ~~1973gg~~ 1973gg *et seq.*)
 35 on or before the 15th day prior to the election.

36 (3) The affidavit is delivered to the county elections official by
 37 means other than those described in paragraphs (1) and (2) on or
 38 before the 15th day prior to the election.

1 (4) *The affidavit is submitted electronically on the Internet Web*
2 *site of the Secretary of State pursuant to Section 2196 on or before*
3 *the 15th day prior to the election.*

4 *SEC. 9. Section 9020 of the Elections Code is amended to read:*
5 *9020. (a) The petition sections shall be designed so that each*
6 *signer shall personally affix all of the following:*

7 ~~(a)~~
8 *(1) His or her signature.*

9 ~~(b)~~
10 *(2) His or her printed name.*

11 ~~(c)~~
12 *(3) His or her residence address, giving street and number, or*
13 *if no street or number exists, adequate designation of residence so*
14 *that the location may be readily ascertained. An incomplete or*
15 *inaccurate apartment or unit number in his or her residence*
16 *address shall not invalidate his or her signature pursuant to Section*
17 *105.*

18 ~~(d)~~
19 *(4) The name of his or her incorporated city or unincorporated*
20 *community.*

21 ~~Only~~
22 *(b) Only a person who is a qualified registered voter at the time*
23 *of signing the petition is entitled to sign it.*

24 ~~The~~
25 *(c) The number of signatures attached to each section shall be*
26 *at the pleasure of the person soliciting the signatures.*

27 *SEC. 10. Section 10552 of the Elections Code is repealed.*
28 ~~10552. No later than December 31 immediately following a~~
29 ~~general district election, the county elections official shall file with~~
30 ~~the Secretary of State a statement containing all of the following~~
31 ~~for each election in the county held pursuant to this part:~~

32 ~~(a) The list of offices to be filled.~~
33 ~~(b) The name of each candidate, including occupational~~
34 ~~designation, if any.~~

35 ~~(c) The name of each successful candidate.~~

36 ~~(d) The number of voters eligible to vote in the district and, if~~
37 ~~voting is by division, the number of voters eligible to vote in each~~
38 ~~division.~~

39 ~~(e) The number of votes for each candidate.~~

1 ~~(f) The list of offices for which appointments have been made~~
2 ~~in lieu of election pursuant to Section 10515 together with names~~
3 ~~of the persons so appointed.~~

4 *SEC. 11. Section 11302 of the Elections Code is amended to*
5 *read:*

6 11302. If a vacancy occurs in an office after a recall petition
7 is filed against the vacating officer, the recall election shall
8 nevertheless proceed. The vacancy shall be filled as provided by
9 law, but any person appointed to fill the vacancy shall hold office
10 only until a successor is selected in accordance with Article 4
11 (commencing with Section 11360) ~~or Article 5 (commencing with~~
12 ~~Section 11380), 11381), and the successor qualifies for that office.~~

13 SECTION 1. Section 14300 of the Elections Code is amended
14 to read:

15 14300. (a) In the case of an election for a state or federal office,
16 each polling place using a direct recording electronic voting system,
17 as defined by Section 19271, the elections official shall provide
18 paper ballots equivalent to the following percentages:

19 (1) For a statewide general election, no less than 10 percent of
20 the registered voters in the polling place.

21 (2) For a statewide direct primary election, for each partisan
22 ballot form for which at least 10 percent of the registered voters
23 in the polling place are eligible to request, no less than 5 percent
24 of the registered voters in the precinct eligible to request that ballot
25 form at the polling place. For nonpartisan voters, the total number
26 of paper ballots among all ballot forms that they are eligible to
27 request shall be no less than 5 percent of registered nonpartisan
28 voters at the polling place.

29 (3) For any other state or federal election contest, no less than
30 5 percent of registered voters at the polling place.

31 (4) For purposes of this section, the number of registered voters
32 shall be based on the registration on the 88th day prior to the day
33 of the election.

34 (b) The elections official shall establish procedures for the use
35 of the paper ballots described in this section in the event the direct
36 recording electronic voting system becomes nonfunctional.

37 (c) Upon request, the precinct board shall provide a paper ballot
38 to a voter, regardless of the availability of the direct recording
39 electronic voting system, as long as supplies remain available.

1 (d) The paper ballots described in this section may consist of
2 provisional ballots.

3 (e) Any vote cast on a provisional ballot subject to this section
4 by an otherwise qualified voter shall be counted as a regular ballot
5 and shall not be subject to the requirements of Section 14310.

6 SEC. 2. Section 17301 of the Elections Code is amended to
7 read:

8 17301. (a) The following provisions shall apply to those
9 elections where candidates for one or more of the following offices
10 are voted upon: President, Vice President, United States Senator,
11 and United States Representative.

12 (b) The packages containing the following ballots and
13 identification envelope shall be kept by the elections official,
14 unopened and unaltered, for 22 months from the date of the
15 election:

16 (1) Voted polling place ballots.

17 (2) Paper record copies, as defined by Section 19271, if any, of
18 voted polling place ballots.

19 (3) Voted vote by mail voter ballots.

20 (4) Vote by mail voter identification envelopes.

21 (5) Voted provisional voter ballots.

22 (6) Provisional ballot voter identification envelopes.

23 (7) Spoiled ballots.

24 (8) Canceled ballots.

25 (9) Unused vote by mail ballots surrendered by the voter
26 pursuant to Section 3015.

27 (10) Ballot receipts.

28 (c) If a contest is not commenced within the 22-month period,
29 or if a criminal prosecution involving fraudulent use, marking or
30 falsification of ballots, or forgery of vote by mail voters' signatures
31 is not commenced within the 22-month period, either of which
32 may involve the vote of the precinct from which voted ballots were
33 received, the elections official shall have the ballots destroyed or
34 recycled. The packages shall otherwise remain unopened until the
35 ballots are destroyed or recycled.

36 SEC. 3. Section 17302 of the Elections Code is amended to
37 read:

38 17302. (a) The following provisions shall apply to all state or
39 local elections not provided for in subdivision (a) of Section 17301.

40 An election is not deemed a state or local election if votes for

1 candidates for federal office may be cast on the same ballot as
2 votes for candidates for state or local office.

3 (b) The packages containing the following ballots and
4 identification envelopes shall be kept by the elections official,
5 unopened and unaltered, for six months from the date of the
6 election:

- 7 (1) Voted polling place ballots.
- 8 (2) Paper record copies, as defined by Section 19271, if any, of
- 9 voted polling place ballots.
- 10 (3) Voted vote by mail voter ballots.
- 11 (4) Vote by mail voter identification envelopes.
- 12 (5) Voted provisional voter ballots.
- 13 (6) Provisional ballot voter identification envelopes.
- 14 (7) Spoiled ballots.
- 15 (8) Canceled ballots.
- 16 (9) Unused vote by mail ballots surrendered by the voter
- 17 pursuant to Section 3015.
- 18 (10) Ballot receipts.

19 (c) If a contest is not commenced within the six-month period,
20 or if a criminal prosecution involving fraudulent use, marking or
21 falsification of ballots, or forgery of vote by mail voters' signatures
22 is not commenced within the six-month period, either of which
23 may involve the vote of the precinct from which voted ballots were
24 received, the elections official shall have the packages destroyed
25 or recycled. The packages shall otherwise remain unopened until
26 the ballots are destroyed or recycled.

27
28 _____
29 **CORRECTIONS:**
30 **Text—Pages 14 and 15.**
31 _____