

AMENDED IN ASSEMBLY AUGUST 20, 2013

AMENDED IN ASSEMBLY AUGUST 6, 2013

AMENDED IN ASSEMBLY JULY 1, 2013

AMENDED IN SENATE MAY 16, 2013

AMENDED IN SENATE APRIL 8, 2013

SENATE BILL

No. 361

Introduced by Senator Padilla

February 20, 2013

An act to amend Sections 2102, 2146, ~~2196, 3017, 2153~~, and 14310 of, to add ~~Sections 2101.5, 2169, and 2228~~ *Section 2169* to, and to add Chapter ~~7 8~~ (commencing with Section ~~2500~~) 2600 to Division 2 of, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 361, as amended, Padilla. Elections: voter registration.

(1) Under existing law, operative when the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002, a person who is eligible to register to vote and has a valid California driver's license or state identification card is authorized to submit an affidavit of voter registration electronically on the Internet Web site of the Secretary of State. Existing law, the federal National Voter Registration Act of 1993, requires each state to establish procedures to register voters by application in person at certain federal, state, or nongovernmental agencies designated by state law as voter registration agencies. Existing law requires the Department of Motor Vehicles, community college and California State University campuses, and voter

registration agencies to perform various duties in connection with voter registration.

~~This bill would require the Secretary of State to jointly establish paperless voter systems by January 1, 2017, with the Department of Motor Vehicles, certain colleges and universities, and certain voter registration agencies, under which voter registration information is collected and electronically transmitted to the Secretary of State, in a format prescribed by the Secretary of State, for the purpose of registering persons to vote or updating voters' registration information. This bill would require the Department of Motor Vehicles, each college or university, and each voter registration agency to offer certain persons the opportunity to register to vote or update their voter registrations by completing a supplemental voter registration form and consenting to the use of the voter's records held by the department, college or university, or voter registration agency for voter registration purposes. No later than one business day after receipt of a completed supplemental voter registration form, this bill would require the department, college or university, or voter registration agency to electronically transmit to the Secretary of State specified voter registration information. Upon receipt of the voter registration information, this bill would require the Secretary of State to register the person to vote or update the voter's registration in the statewide voter registration database, as applicable.~~

This bill would require the Department of Motor Vehicles, working jointly with the Secretary of State, to establish a system under which a person who applies for any services or assistance online with the department shall be offered the opportunity to register to vote, or update his or her voter registration information, online through the Secretary of State's electronic voter registration system using an electronic form that is prepopulated with the applicant's voter registration information, to the extent the information is available in the department's records. For each applicant who indicates that he or she would like to register to vote or update his or her voter registration information and consents to the use of his or her motor vehicle records for voter registration purposes, this bill would require the Department of Motor Vehicles to electronically transmit to the Secretary of State any information provided by the applicant to the Department of Motor Vehicles that is necessary to register the applicant to vote or update the applicant's voter registration, as applicable. This bill would require the Secretary of State to report to the Legislature, as specified.

By requiring local agencies to perform additional duties, this bill would impose a state-mandated local program.

(2) The Student Voter Registration Act of 2003 requires *the Secretary of State to annually provide every high school, community college, and California State University and University of California campus with voter registration forms. The act also requires every community college and California State University campus that operates an automated class registration system, or within two years of implementing such a system, to permit students, through an automated program in coordination with the Secretary of State, to elect to receive during the class registration process a voter registration form that is preprinted with personal information relevant to voter registration. The act encourages the University of California to comply with these provisions that provision.*

This bill would revise or eliminate these provisions of the act. This bill would require the Secretary of State to inform every high school, community college, and California State University and University of California campus that voter registration forms are available from the Secretary of State and to provide voter registration forms to each school upon request. This bill would require the Secretary of State to work with each community college and California State University campus that operates an automated class registration system to ensure that the system conforms to the provisions on paperless voter registration. This bill would require each community college and California State University to, at the commencement of an academic term, send to each student a notice by electronic mail that is dedicated exclusively to voter registration and contains information relating to voter registration eligibility and the Internet Web site address of the Secretary of State's electronic voter registration system. This bill would encourage the University of California to comply with these provisions.

(3) Existing law specifies various duties of the Secretary of State with regard to the electoral process.

This bill would place additional requirements on the Secretary of State to provide the capability for a voter to check online ~~or through a toll-free telephonic system~~ the status of the voter's registration, find the location of the voter's polling place, check the status of a vote by mail ballot, and check the status of a voter's provisional ballot on the Secretary of State's Internet Web site, as specified.

~~(4) Existing law provides for voter residency confirmation procedures based on change-of-address information, as specified, in cases where~~

~~the voter has moved to a new address within the same county or to another county.~~

~~This bill would, for the purpose of maintaining accurate voter registration records, authorize the Secretary of State to enter into agreements with other states to share voter information or data pertaining to voters who have permanently moved to other states.~~

~~(4) Under existing law, if a county elections official receives an affidavit of voter registration that does not include all required information, and the elections official is not able to collect the missing information by telephone, but the mailing address of the affiant is legible, the elections official must inform the affiant of the reason for rejection of the affidavit and must send to the affiant a new voter registration card.~~

~~This bill would require the elections official under these circumstances to send to the affiant a new voter registration card or a document on which the affiant may provide the missing information and a return envelope with postage prepaid.~~

~~(5) 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.~~

~~(6) This bill would become operative when the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002.~~

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

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

1 ~~SECTION 1. Section 2101.5 is added to the Elections Code,~~
2 ~~to read:~~
3 ~~2101.5. A person may be registered as a voter by either of the~~
4 ~~following means:~~
5 ~~(a) By affidavit of registration filed with the county elections~~
6 ~~official.~~

1 ~~(b) By the Secretary of State in accordance with Chapter 7~~
2 ~~(commencing with Section 2500).~~

3 ~~SEC. 2.~~

4 *SECTION 1.* Section 2102 of the Elections Code, as amended
5 by Section 2 of Chapter 364 of the Statutes of 2009, is amended
6 to read:

7 2102. (a) A person registering as a voter by affidavit of
8 registration shall mail or deliver the affidavit to the county elections
9 official and shall set forth all of the facts required to be shown by
10 this chapter. A properly executed registration shall be deemed
11 effective upon receipt of the affidavit by the county elections
12 official if the affidavit is received on or before the 15th day prior
13 to an election to be held in the registrant's precinct. A properly
14 executed registration shall also be deemed effective upon receipt
15 of the affidavit by the county elections official if any of the
16 following apply:

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

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

24 (3) The affidavit is delivered to the county elections official by
25 means other than those described in paragraph (1) or (2) on or
26 before the 15th day prior to the election.

27 (b) For purposes of verifying signatures on a recall, initiative,
28 or referendum petition or signatures on a nomination paper or any
29 other election petition or election paper, a properly executed
30 affidavit of registration shall be deemed effective for verification
31 purposes if both of the following conditions are satisfied:

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

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

36 (c) Notwithstanding any other provision of law to the contrary,
37 the affidavit of registration required under this chapter shall not
38 be taken under sworn oath, but the content of the affidavit shall
39 be certified as to its truthfulness and correctness, under penalty of
40 perjury, by the signature of the affiant.

1 (d) A person who is at least 17 years of age and otherwise meets
 2 all eligibility requirements to vote may submit his or her affidavit
 3 of registration as prescribed by this section. A properly executed
 4 registration made pursuant to this subdivision shall be deemed
 5 effective as of the date the affiant will be 18 years of age, if the
 6 information in the affidavit of registration is still current at that
 7 time. If the information provided by the affiant in the affidavit of
 8 registration is not current at the time that the registration would
 9 otherwise become effective, for his or her registration to become
 10 effective, the affiant shall provide the current information to the
 11 proper county elections official as prescribed by this chapter.

12 ~~SEC. 3.~~

13 *SEC. 2.* Section 2146 of the Elections Code is amended to read:

14 2146. (a) The Secretary of State shall annually ~~provide~~ *inform*
 15 every high school, community college, and California State
 16 University and University of California campus ~~with voter~~
 17 ~~registration forms. The number of forms shall be consistent with~~
 18 ~~the number of students enrolled at each school who are of voting~~
 19 ~~age or will be of voting age by the end of the year. The Secretary~~
 20 ~~of State shall provide additional forms to any school, free of charge,~~
 21 ~~if so requested by a school. *that voter registration forms are*~~
 22 ~~available from the Secretary of State, and shall provide voter~~
 23 ~~registration forms to each school upon request.~~

24 (b) The Secretary of State shall provide a written notice with
 25 each registration form describing eligibility requirements and
 26 informing each student that he or she may return the completed
 27 form in person or by mail to the elections official of the county in
 28 which the student resides or to the Secretary of State. The notice
 29 shall also inform each student that he or she may complete and
 30 submit an affidavit of voter registration electronically on the
 31 Internet Web site of the Secretary of State.

32 (e) (1) ~~(A) Every community college and California State~~
 33 ~~University campus that operates an automated class registration~~
 34 ~~system on or before January 1, 2008, shall, through an automated~~
 35 ~~program, in coordination with the Secretary of State, permit~~
 36 ~~students, during the class registration process, to elect to receive~~
 37 ~~a voter registration form that is preprinted with personal~~
 38 ~~information relevant to voter registration by January 1, 2010.~~

39 ~~(B) Any community college or California State University~~
 40 ~~campus that does not operate an automated class registration system~~

1 on or before January 1, 2008, shall, within two years of
2 implementing an automated class registration system, through an
3 automated program in coordination with the Secretary of State,
4 permit students, during the class registration process, to elect to
5 receive a voter registration form that is preprinted with personal
6 information relevant to voter registration.

7 ~~(2) As soon as a community college or California State~~
8 ~~University or University of California campus complies with~~
9 ~~paragraph (1), the Secretary of State may continue, at his or her~~
10 ~~discretion, to provide the campus with voter registration forms~~
11 ~~unless the campus requests not to receive the voter registration~~
12 ~~forms.~~

13 ~~(3) The University of California is encouraged to comply with~~
14 ~~this subdivision.~~

15 ~~(d)~~

16 ~~(c) (1) Each community college or California State University~~
17 ~~campus that operates an automated class registration system on or~~
18 ~~after January 1, 2014, 2016, shall comply with the requirements~~
19 ~~of Chapter 7 8 (commencing with Section 2500) 2600). The~~
20 ~~Secretary of State shall work with each community college and~~
21 ~~California State University campus that operates an automated~~
22 ~~class registration system to ensure that the system conforms to the~~
23 ~~paperless voter registration requirements of Chapter 7 8~~
24 ~~(commencing with Section 2500) 2600).~~

25 ~~(2) The University of California is encouraged to comply with~~
26 ~~this subdivision.~~

27 ~~(2)~~

28 ~~(d) (1) Each community college and California State University~~
29 ~~campus shall, at the commencement of an academic term, send to~~
30 ~~each student by electronic mail a notice that is dedicated~~
31 ~~exclusively to conveying information relating to voter registration~~
32 ~~eligibility, the process for registering to vote or updating voter~~
33 ~~registration information, and the Internet Web site address of the~~
34 ~~Secretary of State's electronic voter registration system.~~

35 ~~(3)~~

36 ~~(2) The University of California is encouraged to comply with~~
37 ~~this subdivision.~~

38 ~~(e) The Secretary of State shall submit to the Legislature, on or~~
39 ~~before January 1 of each year, a report on its student voter~~
40 ~~registration efforts pursuant to this article. This report shall include~~

1 estimates as to how many voter registration forms were sent to
 2 high schools, community colleges, and California State University
 3 and University of California campuses, how many voter registration
 4 forms were returned, and how many ~~voter registration forms~~
 5 *electronic mail notices* were sent out to students ~~through the~~
 6 ~~automated program described in~~ pursuant to subdivision ~~(e)~~. (d).

7 (f) It is the intent of the Legislature that every eligible high
 8 school and college student receive a voter registration form or the
 9 opportunity to register to vote online. It is also the intent of the
 10 Legislature that every school do all in its power to ensure that
 11 students are provided the opportunity and means to register to vote.
 12 This may include providing voter registration forms at the start of
 13 the school year, including voter registration forms with orientation
 14 materials; placing voter registration forms at central locations,
 15 including voter registration forms with graduation materials; or
 16 providing hyperlinks to, or the Internet Web site address of, the
 17 Secretary of State's electronic voter registration system in notices
 18 sent by electronic mail to students or placed on the Internet Web
 19 site of the high school, college, or university.

20 *SEC. 3. Section 2153 of the Elections Code is amended to read:*

21 2153. (a) Except as provided in Section 2154, the affidavit of
 22 registration shall show all the facts required to be stated.

23 (b) If the affidavit does not contain all of the information
 24 required, but the telephone number of the affiant is legible, the
 25 county elections official shall telephone the affiant and attempt to
 26 collect the missing information.

27 (c) If the affidavit does not contain all of the information
 28 required, and the county elections official is not able to collect the
 29 missing information by telephone, but the mailing address of the
 30 affiant is legible, the county elections official shall inform the
 31 affiant of the reason for rejection and shall send to the affiant ~~a~~
 32 *one of the following:*

33 (1) A new voter registration card.

34 (2) A document on which the affiant may provide the missing
 35 information and a return envelope with postage prepaid.

36 *SEC. 4. Section 2169 is added to the Elections Code, following*
 37 *Section 2168, to read:*

38 2169. (a) The Secretary of State shall provide on his or her
 39 Internet Web site the capability for a voter ~~to, and shall maintain~~

1 a toll-free telephone number by which a voter may, to do all of the
2 following:

3 (1) Check the status of his or her voter registration and review
4 his or her voter registration information that is included in the
5 Secretary of State's electronic voter registration system.

6 (2) Not less than 30 days before an election, find the location
7 of his or her polling place, if that information is available, or the
8 location of the polling place for any residential address in the state.

9 (3) Upon the completion of the official canvass for an election,
10 determine whether his or her vote by mail ballot was counted and,
11 if not, the reason the ballot was rejected.

12 (4) Upon the completion of the official canvass for an election,
13 determine whether his or her provisional ballot was counted and,
14 if not, the reason the ballot was rejected.

15 (5) Opt out of receiving his or her voter pamphlet by mail and
16 instead receive it by electronic mail.

17 (b) The online system established pursuant to subdivision (a)
18 shall be accessible to persons with disabilities and available in all
19 the languages in which a ballot or ballot materials are required to
20 be made available in this state pursuant to Section 203 (42 U.S.C.
21 Sec. 1973aa-1a) or Section 4(f)(4) (42 U.S.C. Sec. 1973b(f)(4))
22 of the federal Voting Rights Act of 1965.

23 (c) The Secretary of State shall adopt regulations to ensure the
24 security and privacy of any personal voter registration information
25 conveyed by the online system.

26 ~~SEC. 5. Section 2196 of the Elections Code is amended to read:~~

27 ~~2196. (a) (1) Notwithstanding any other provision of law, a~~
28 ~~person who is qualified to register to vote and who has a valid~~
29 ~~California driver's license or state identification card may submit~~
30 ~~an affidavit of voter registration electronically on the Internet Web~~
31 ~~site of the Secretary of State.~~

32 ~~(2) An affidavit submitted pursuant to this section is effective~~
33 ~~upon receipt of the affidavit by the Secretary of State if the affidavit~~
34 ~~is received on or before the last day to register for an election to~~
35 ~~be held in the precinct of the person submitting the affidavit.~~

36 ~~(3) The affiant shall affirmatively attest to the truth of the~~
37 ~~information provided in the affidavit.~~

38 ~~(4) For voter registration purposes, the applicant shall~~
39 ~~affirmatively assent to the use of his or her signature from his or~~
40 ~~her driver's license or state identification card.~~

1 ~~(5) For each electronic affidavit, the Secretary of State shall~~
2 ~~obtain an electronic copy of the applicant's signature from his or~~
3 ~~her driver's license or state identification card directly from the~~
4 ~~Department of Motor Vehicles.~~
5 ~~(6) The Secretary of State shall require a person who submits~~
6 ~~an affidavit pursuant to this section to submit all of the following:~~
7 ~~(A) The number from his or her California driver's license or~~
8 ~~state identification card.~~
9 ~~(B) His or her date of birth.~~
10 ~~(C) The last four digits of his or her social security number.~~
11 ~~(D) Any other information the Secretary of State deems~~
12 ~~necessary to establish the identity of the affiant.~~
13 ~~(7) Upon submission of an affidavit pursuant to this section, the~~
14 ~~electronic voter registration system shall provide for immediate~~
15 ~~verification of both of the following:~~
16 ~~(A) That the applicant has a California driver's license or state~~
17 ~~identification card and that the number for that driver's license or~~
18 ~~identification card provided by the applicant matches the number~~
19 ~~for that person's driver's license or identification card that is on~~
20 ~~file with the Department of Motor Vehicles.~~
21 ~~(B) That the date of birth provided by the applicant matches the~~
22 ~~date of birth for that person that is on file with the Department of~~
23 ~~Motor Vehicles.~~
24 ~~(8) The Secretary of State shall employ security measures to~~
25 ~~ensure the accuracy and integrity of voter registration affidavits~~
26 ~~submitted electronically pursuant to this section.~~
27 ~~(b) The Department of Motor Vehicles shall utilize the electronic~~
28 ~~voter registration system required by this section to comply with~~
29 ~~its duties and responsibilities as a voter registration agency pursuant~~
30 ~~to the federal National Voter Registration Act of 1993 (42 U.S.C.~~
31 ~~Sec. 1973gg et seq.).~~
32 ~~(c) The Department of Motor Vehicles and the Secretary of~~
33 ~~State shall develop a process and the infrastructure to allow the~~
34 ~~electronic copy of the applicant's signature and other information~~
35 ~~required under this section that is in the possession of the~~
36 ~~department to be transferred to the Secretary of State and to the~~
37 ~~county election management systems to allow a person who is~~
38 ~~qualified to register to vote in California to register to vote under~~
39 ~~this section.~~

1 (d) If an applicant cannot electronically submit the information
2 required pursuant to paragraph (6) of subdivision (a), he or she
3 shall nevertheless be able to complete the affidavit of voter
4 registration electronically on the Secretary of State's Internet Web
5 site, print a hardcopy of the completed affidavit, and mail or deliver
6 the hardcopy of the completed affidavit to the Secretary of State
7 or the appropriate county elections official.

8 (e) This chapter shall become operative upon the date that either
9 of the following occurs:

10 (1) The Secretary of State certifies that the state has a statewide
11 voter registration database that complies with the requirements of
12 the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301
13 et seq.).

14 (2) The Secretary of State executes a declaration stating that all
15 of the following conditions have occurred:

16 (A) The United States Election Assistance Commission has
17 approved the use of the federal Help America Vote Act of 2002
18 (42 U.S.C. Sec. 15301 et seq.) funding to provide online voter
19 registration in advance of the deployment of the statewide voter
20 registration database or other federal funding is available and
21 approved for the same purpose.

22 (B) The Department of Motor Vehicles and the Secretary of
23 State have developed a process and the infrastructure necessary
24 to implement paragraph (5) of subdivision (a).

25 (C) All county election management systems have been modified
26 to receive and store electronic voter registration information
27 received from the Secretary of State in order to allow a person
28 who is qualified to register to vote in California to register to vote
29 under this section.

30 (f) For purposes of implementing this chapter as expeditiously
31 as possible, if it becomes operative pursuant to paragraph (2) of
32 subdivision (e), the Secretary of State's office shall be exempt
33 from information technology requirements included in Sections
34 11545, 11546, and 11547 of the Government Code and Section
35 12100 of the Public Contract Code, and from information
36 technology project and funding approvals included in any other
37 provision of law.

38 SEC. 6. Section 2228 is added to the Elections Code, to read:

39 2228. (a) Notwithstanding any other law and for the purpose
40 of maintaining accurate voter registration records, the Secretary

1 of State may enter into agreements with other states to share and
 2 receive information or data pertaining to voters who have
 3 permanently moved to other states as described in Section 2022
 4 or 2023.

5 (b) The Secretary of State, before entering into an agreement
 6 pursuant to this section, shall establish standards and procedures
 7 to safeguard the privacy of the state’s residents and the integrity
 8 and security of the information or data shared and received in
 9 accordance with this section.

10 (e) The Secretary of State shall not share a voter’s information
 11 if that information is deemed confidential pursuant to Section 2166,
 12 2166.5, or 2166.7 of this code, or pursuant to Chapter 3.1
 13 (commencing with Section 6205) of, or Chapter 3.2 (commencing
 14 with Section 6215) of, Division 7 of Title 1 of the Government
 15 Code.

16 ~~SEC. 7.~~

17 *SEC. 5.* Chapter ~~7~~ 8 (commencing with Section ~~2500~~) 2600)
 18 is added to Division 2 of the Elections Code, to read:

19
 20
 21

CHAPTER ~~7.8.~~ PAPERLESS VOTER REGISTRATION

22 ~~2500.~~

23 *2600.* (a) By January 1, 2017, the Secretary of State and the
 24 Department of Motor Vehicles shall ~~jointly~~ establish a system
 25 under which voter registration information is collected by the
 26 Department of Motor Vehicles pursuant to subdivision (b) and
 27 electronically transmitted to the Secretary of State, in a format
 28 prescribed by the Secretary of State, for the purpose of registering
 29 a person to vote or updating a voter’s registration information: *a*
 30 *person who applies for any services or assistance online with the*
 31 *department shall be offered the opportunity to register to vote, or*
 32 *update his or her voter registration information, online through*
 33 *the Secretary of State’s electronic voter registration system using*
 34 *an electronic form that is prepopulated with the applicant’s voter*
 35 *registration information, to the extent the information is available*
 36 *in the department’s records.*

37 (b) ~~With each in-person or online application for the issuance~~
 38 ~~or renewal of a driver’s license or state identification card, and~~
 39 ~~with each in-person or online submission of a change of address~~
 40 ~~form, the Department of Motor Vehicles shall offer the person the~~

1 opportunity to register to vote in accordance with the federal
2 National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg
3 et seq.). The Department of Motor Vehicles shall do all of the
4 following:

5 (1) Notify the applicant of all of the following:

6 (A) The eligibility requirements to register to vote in this state,
7 using notice language approved by the Secretary of State.

8 (B) That the applicant has an opportunity to register to vote or
9 update his or her voter registration information.

10 (C) That voter registration is voluntary and, if the applicant
11 declines to register to vote, the fact that he or she has declined to
12 register shall only be used for voter registration purposes and shall
13 not otherwise affect the services or assistance provided by the
14 department.

15 (D) That if the applicant chooses to register to vote or update
16 his or her voter registration information, his or her voter registration
17 information shall be made available to the Secretary of State for
18 voter registration purposes.

19 (2) After providing the required notices to the applicant pursuant
20 to paragraph (1), ask the applicant whether he or she would like
21 to register to vote or update his or her voter registration information
22 and whether he or she consents to the use of his or her motor
23 vehicle records for voter registration purposes.

24 (3) For each applicant who indicates that he or she would like
25 to register to vote or update his or her voter registration
26 information, and consents to the use of his or her motor vehicle
27 records for voter registration purposes, provide the applicant with
28 a supplemental voter registration form, as described in Section
29 2503.

30 (4) Not later than one business day after receipt of a completed
31 supplemental voter registration form, electronically transmit to the
32 Secretary of State both of the following:

33 (A) The information collected on the supplemental voter
34 registration form.

35 (B) Any other information in the applicant's records that is
36 necessary to register the applicant to vote or update the applicant's
37 voter registration, as applicable.

38 (e) An applicant's voter registration shall be deemed submitted
39 on the date upon which the Department of Motor Vehicles receives
40 the applicant's completed supplemental voter registration form.

1 ~~(d) The Department of Motor Vehicles shall only transmit~~
2 ~~information to the Secretary of State pursuant to this section that~~
3 ~~is necessary to register a person to vote or update a voter's~~
4 ~~registration. If an applicant declines to register to vote, the fact~~
5 ~~that he or she has declined to register shall be confidential and that~~
6 ~~information shall not be transmitted to the Secretary of State.~~

7 *(b) The Department of Motor Vehicles shall work jointly with*
8 *the Secretary of State to ensure that the system established pursuant*
9 *to this section does all of the following:*

10 *(1) Provides all required notices to the applicant, including all*
11 *of the following:*

12 *(A) A notice of the eligibility requirements to register to vote in*
13 *this state.*

14 *(B) A notice stating that voter registration is voluntary.*

15 *(C) A notice stating that, if the applicant chooses to register to*
16 *vote or update his or her voter registration information, his or her*
17 *voter registration information shall be made available to the*
18 *Secretary of State for voter registration purposes.*

19 *(2) After providing the required notices to the applicant pursuant*
20 *to paragraph (1), asks the applicant whether he or she would like*
21 *to register to vote or update his or her voter registration*
22 *information and whether he or she consents to the use of his or*
23 *her motor vehicle records for voter registration purposes.*

24 *(3) For each applicant who indicates that he or she would like*
25 *to register to vote or update his or her voter registration*
26 *information and consents to the use of his or her motor vehicle*
27 *records for voter registration purposes, electronically transmits*
28 *to the Secretary of State any information provided by the applicant*
29 *to the Department of Motor Vehicles that is necessary to register*
30 *the applicant to vote or update the applicant's voter registration,*
31 *as applicable.*

32 *(4) Provides the applicant with a hyperlink to the Secretary of*
33 *State's electronic voter registration system on which the applicant*
34 *may register to vote or update his or her voter registration using*
35 *an electronic form that is prepopulated with the voter registration*
36 *information transmitted by the Department of Motor Vehicles to*
37 *the Secretary of State.*

38 *(c) The system established pursuant to this section shall comply*
39 *with the requirements of the federal National Voter Registration*
40 *Act of 1993 (42 U.S.C. Sec. 1973gg et seq.).*

1 (e)

2 (d) Notwithstanding any other provision of law, immediately
3 after transmitting an applicant's voter registration information to
4 the Secretary of State, the Department of Motor Vehicles shall
5 destroy ~~the applicant's completed supplemental voter registration~~
6 ~~form~~ and any materials containing information specific to the
7 applicant's voter registration that is not otherwise collected by the
8 Department of Motor Vehicles for other purposes.

9 2501. (a) ~~The Secretary of State and each community college~~
10 ~~or California State University campus that operates an automated~~
11 ~~class registration system on or after January 1, 2014, shall jointly~~
12 ~~establish a system under which voter registration information is~~
13 ~~collected by the college or university pursuant to subdivision (b)~~
14 ~~and electronically transmitted to the Secretary of State, in a format~~
15 ~~prescribed by the Secretary of State, for the purpose of registering~~
16 ~~a person to vote or updating a voter's registration information.~~

17 (b) ~~Each time a student registers for classes, the college or~~
18 ~~university shall offer the student the opportunity to register to vote,~~
19 ~~and shall do all of the following:~~

20 (1) ~~Notify the student of all of the following:~~

21 (A) ~~The eligibility requirements to register to vote in this state,~~
22 ~~using notice language approved by the Secretary of State.~~

23 (B) ~~That the student has an opportunity to register to vote or~~
24 ~~update his or her voter registration information.~~

25 (C) ~~That voter registration is voluntary and, if the student~~
26 ~~declines to register to vote, the fact that he or she has declined to~~
27 ~~register shall only be used for voter registration purposes and shall~~
28 ~~not affect his or her class registration.~~

29 (D) ~~That if the student chooses to register to vote or update his~~
30 ~~or her voter registration information, his or her voter registration~~
31 ~~information shall be made available to the Secretary of State for~~
32 ~~voter registration purposes.~~

33 (2) ~~After providing the required notices to the student pursuant~~
34 ~~to paragraph (1), ask the student whether he or she would like to~~
35 ~~register to vote or update his or her voter registration information~~
36 ~~and whether he or she consents to the use of his or her student~~
37 ~~records for voter registration purposes.~~

38 (3) ~~For each student who indicates that he or she would like to~~
39 ~~register to vote or update his or her voter registration information,~~
40 ~~and consents to the use of his or her student records for voter~~

1 registration purposes, provide the student with a supplemental
2 voter registration form, as described in Section 2503.

3 (4) Not later than one business day after receipt of a completed
4 supplemental voter registration form, electronically transmit to the
5 Secretary of State both of the following:

6 (A) The information collected on the supplemental voter
7 registration form.

8 (B) Any other information in the student's records that is
9 necessary to register the student to vote or update the student's
10 voter registration, as applicable.

11 (c) A student's voter registration shall be deemed submitted on
12 the date upon which the college or university receives the student's
13 completed supplemental voter registration form.

14 (d) The college or university shall only transmit information to
15 the Secretary of State pursuant to this section that is necessary to
16 register a student to vote or update a student's voter registration.
17 If a student declines to register to vote, the fact that he or she has
18 declined to register shall be confidential and that information shall
19 not be transmitted to the Secretary of State.

20 (e) Notwithstanding any other provision of law, immediately
21 after transmitting a student's voter registration information to the
22 Secretary of State, a college or university shall destroy the student's
23 completed supplemental voter registration form and any materials
24 containing information specific to the student's voter registration
25 that is not otherwise collected by the college or university for other
26 purposes.

27 2502. (a) The Secretary of State and each voter registration
28 agency, as defined in subdivision (b) of Section 2401, that allows
29 a person to apply online for service or assistance, or to submit a
30 recertification, renewal, or change of address form relating to the
31 service or assistance online, shall jointly establish a system under
32 which voter registration information is collected by the agency
33 and electronically transmitted to the Secretary of State, in a format
34 prescribed by the Secretary of State, for the purpose of registering
35 a person to vote or updating a voter's registration information.

36 (b) With each online application for service or assistance or
37 submission of a recertification, renewal, or change of address form
38 relating to the service or assistance online, immediately prior to
39 providing an electronic voter preference form pursuant to Section

1 2408, the voter registration agency shall notify the applicant of all
2 of the following:

3 (1) ~~The eligibility requirement to register to vote in this state,~~
4 ~~using notice language approved by the Secretary of State.~~

5 (2) ~~That the applicant has an opportunity to register to vote or~~
6 ~~update his or her voter registration information.~~

7 (3) ~~That voter registration is voluntary and, if the applicant~~
8 ~~declines to register to vote, the fact that he or she has declined to~~
9 ~~register shall only be used for voter registration purposes and shall~~
10 ~~not otherwise affect the services or assistance provided by the~~
11 ~~agency.~~

12 (e) ~~If an applicant indicates on his or her electronic voter~~
13 ~~preference form that he or she would like to register to vote by~~
14 ~~completing a supplemental voter registration form, the voter~~
15 ~~registration agency shall do both of the following:~~

16 (1) ~~Notify the applicant that, if he or she chooses to register to~~
17 ~~vote or update his or her voter registration by completing the form,~~
18 ~~he or she consents to the agency and the Secretary of State using~~
19 ~~information contained in his or her agency records for voter~~
20 ~~registration purposes.~~

21 (2) ~~Provide the applicant with a supplemental voter registration~~
22 ~~form, as described in Section 2503.~~

23 (d) ~~Not later than one business day after receipt of a completed~~
24 ~~supplemental voter registration form, a voter registration agency~~
25 ~~shall electronically transmit to the Secretary of State both of the~~
26 ~~following:~~

27 (1) ~~The information collected on the supplemental voter~~
28 ~~registration form.~~

29 (2) ~~Any other information in the applicant's records that is~~
30 ~~necessary to register the applicant to vote or update the applicant's~~
31 ~~voter registration, as applicable.~~

32 (e) ~~An applicant's voter registration shall be deemed submitted~~
33 ~~on the date upon which the voter registration agency receives the~~
34 ~~applicant's completed supplemental voter registration form.~~

35 (f) ~~The voter registration agency shall only transmit information~~
36 ~~to the Secretary of State pursuant to this section that is necessary~~
37 ~~to register an applicant to vote or update an applicant's voter~~
38 ~~registration. If an applicant declines to register to vote, the fact~~
39 ~~that he or she has declined to register shall be confidential and that~~
40 ~~information shall not be transmitted to the Secretary of State.~~

1 ~~(g) Notwithstanding any other provision of law, immediately~~
2 ~~after transmitting an applicant's voter registration information to~~
3 ~~the Secretary of State, the voter registration agency shall destroy~~
4 ~~the applicant's completed supplemental voter registration form~~
5 ~~and any materials containing information specific to the applicant's~~
6 ~~voter registration that is not otherwise collected by the voter~~
7 ~~registration agency for other purposes.~~

8 ~~(h) The requirements in this section are in addition to the~~
9 ~~requirements set forth in Section 2408.~~

10 ~~2503. (a) The Department of Motor Vehicles, each college or~~
11 ~~university described in Section 2501, and each voter registration~~
12 ~~agency described in Section 2502 shall prepare and submit to the~~
13 ~~Secretary of State for approval a supplemental voter registration~~
14 ~~form. The supplemental voter registration form shall request voter~~
15 ~~registration information necessary to register a person to vote or~~
16 ~~update the person's voter registration, except that the form shall~~
17 ~~not require any information to be provided that duplicates~~
18 ~~information previously provided to the department, college or~~
19 ~~university, or voter registration agency and available in the records~~
20 ~~for the voter.~~

21 ~~(b) The supplemental voter registration form shall do all of the~~
22 ~~following:~~

23 ~~(1) State the eligibility requirements to register to vote.~~

24 ~~(2) Contain an attestation that the registrant meets each~~
25 ~~eligibility requirement.~~

26 ~~(3) Request all of the following information from the registrant,~~
27 ~~if the information is not otherwise available in the records for the~~
28 ~~registrant:~~

29 ~~(A) The registrant's home telephone number.~~

30 ~~(B) The registrant's electronic mail address.~~

31 ~~(C) The registrant's California driver's license number or~~
32 ~~state-issued identification number.~~

33 ~~(D) The last four digits of the registrant's social security number,~~
34 ~~if available.~~

35 ~~(E) If the registrant was previously registered to vote, his or her~~
36 ~~name, address, and county of residence for the previous~~
37 ~~registration.~~

38 ~~(F) The language in which the registrant would like to receive~~
39 ~~election-related materials.~~

40 ~~(G) The registrant's political party preference, if any.~~

1 ~~(H) The registrant's ethnicity or race, or both. The registrant~~
2 ~~may not be denied the ability to register because he or she declines~~
3 ~~to state his or her ethnicity or race.~~

4 ~~(I) Whether the registrant would like to receive a vote by mail~~
5 ~~ballot in all elections.~~

6 ~~(J) Whether the registrant would like to be a poll worker.~~

7 ~~(4) Request any other information required by state or federal~~
8 ~~law for voter registration.~~

9 ~~(e) The registrant shall certify the content of the form as to its~~
10 ~~truth and correctness, under penalty of perjury, with his or her~~
11 ~~signature and the date of signing. If the registrant is unable to write,~~
12 ~~he or she shall sign with a mark or cross.~~

13 ~~(d) A registrant shall not be denied the ability to register to vote~~
14 ~~because he or she declines to provide any of the information~~
15 ~~requested pursuant to paragraph (3) of subdivision (b).~~

16 ~~2504.~~

17 ~~2601. A system established pursuant to Section 2500, 2501,~~
18 ~~or 2502 2600 shall be designed to ensure the secure electronic~~
19 ~~storage of information by, and the secure electronic transmission~~
20 ~~of information between, the Secretary of State and the Department~~
21 ~~of Motor Vehicles, college or university, or voter registration~~
22 ~~agency, as applicable Vehicles.~~

23 ~~2505. (a) The Secretary of State shall ensure that a person~~
24 ~~shall not be registered to vote or have his or her voter registration~~
25 ~~updated pursuant to this chapter unless the person has consented~~
26 ~~to registering or updating his or her voter registration.~~

27 ~~(b) If the Secretary of State receives information indicating that~~
28 ~~a person did not consent to registering to vote or updating his or~~
29 ~~her voter registration before the registration or the update to the~~
30 ~~registration is processed by the Secretary of State, the person shall~~
31 ~~not be registered to vote or have his or her voter registration~~
32 ~~updated. A person included in the statewide voter registration~~
33 ~~database shall not have his or her name removed from the database~~
34 ~~solely because the Secretary of State receives information~~
35 ~~indicating that he or she may not have consented to registering or~~
36 ~~updating his or her voter registration.~~

37 ~~2506. The name of the department, college or university, or~~
38 ~~voter registration agency from which voter registration information~~
39 ~~is electronically transmitted to the Secretary of State, in a format~~

1 prescribed by the Secretary of State, pursuant to this chapter shall
2 not be included in the statewide voter registration database.

3 ~~2507. (a) A person shall not use, share, or provide access to~~
4 ~~the statewide voter registration database for any purpose other than~~
5 ~~voter registration, election administration, or the enforcement of~~
6 ~~election laws.~~

7 ~~(b) The fact that a person is not included in the statewide voter~~
8 ~~registration database, or has declined to supply information for~~
9 ~~voter registration purposes pursuant to this chapter, shall not be~~
10 ~~disclosed to the public or used for any purpose other than voter~~
11 ~~registration, election administration, or the enforcement of election~~
12 ~~laws.~~

13 ~~(c) A person's declination to register to vote or to update his or~~
14 ~~her voter registration shall not affect the amount, type, or quality~~
15 ~~of service or assistance provided by the Department of Motor~~
16 ~~Vehicles, a college or university described in Section 2501, or a~~
17 ~~voter registration agency described in Section 2502, as applicable,~~
18 ~~except with regard to voter registration.~~

19 ~~(d) A person shall not use voter registration information~~
20 ~~collected under this chapter for commercial purposes, including~~
21 ~~for comparison with a commercial list or database.~~

22 ~~2508.~~

23 ~~2602. (a) The Secretary of State shall adopt regulations as~~
24 ~~necessary to implement this chapter, including, but not limited to,~~
25 ~~regulations relating to all of the following:~~

26 ~~(1) Procedures to ensure the reliable electronic transmission~~
27 ~~and validation of voter registration information.~~

28 ~~(2) Procedures relating to receipt of duplicate or multiple~~
29 ~~transmissions of voter registration information pertaining to the~~
30 ~~same person.~~

31 ~~(3) Procedures to ensure the security and privacy of voter~~
32 ~~registration information transmitted pursuant to this chapter.~~

33 ~~(4) Procedures to ensure that the name of the department, college~~
34 ~~or university, or voter registration agency that electronically~~
35 ~~transmitted, in a format prescribed by the Secretary of State, a~~
36 ~~voter's registration information to the Secretary of State pursuant~~
37 ~~to this chapter is not included in the statewide voter registration~~
38 ~~database.~~

39 ~~(b) An entity that electronically transmits voter registration~~
40 ~~information to the Secretary of State pursuant to this chapter *The*~~

1 *Department of Motor Vehicles* shall comply with all applicable
2 regulations and guidelines adopted by the Secretary of State. In
3 addition, the ~~entity~~ *department* may adopt or establish additional
4 security measures to protect the privacy and security of voter
5 registration information transmitted to the Secretary of State.

6 ~~2509. The Department of Motor Vehicles, a college or~~
7 ~~university described in Section 2501, or a voter registration agency~~
8 ~~described in Section 2502 may contract with a third party to assist~~
9 ~~in the transmission of voter registration information to the Secretary~~
10 ~~of State, provided that the transmission complies with all~~
11 ~~requirements of this chapter.~~

12 ~~2510.~~

13 ~~2603. (a) On or before January 1 of each year, After a system~~
14 ~~is established pursuant to Section 2600, the Secretary of State~~
15 ~~shall, on or before January 1 of each year, submit a report to the~~
16 ~~Legislature on the effectiveness of this chapter. The report shall~~
17 ~~include all of the following information:~~

18 (1) The number of electronic transmissions of voter registration
19 information made from ~~each entity~~ *the Department of Motor*
20 *Vehicles.*

21 (2) The number of voters registered pursuant to this ~~chapter, by~~
22 ~~entity chapter.~~

23 (3) The number of voters in the statewide voter registration
24 database whose voter registration information was updated pursuant
25 to this ~~chapter, by~~ *entity chapter.*

26 (b) (1) A report to be submitted pursuant to subdivision (a)
27 shall be submitted in compliance with Section 9795 of the
28 Government Code.

29 (2) Pursuant to Section 10231.5 of the Government Code, this
30 section is repealed on January 1, 2018.

31 ~~SEC. 8. Section 3017 of the Elections Code is amended to read:~~

32 ~~3017. (a) All vote by mail ballots cast under this division shall~~
33 ~~be voted on or before the day of the election. After marking the~~
34 ~~ballot, the vote by mail voter shall do either of the following: (1)~~
35 ~~return the ballot by mail or in person to the elections official from~~
36 ~~whom it came or (2) return the ballot in person to a member of a~~
37 ~~precinct board at a polling place within the jurisdiction. However,~~
38 ~~a vote by mail voter who is unable to return the ballot may~~
39 ~~designate his or her spouse, child, parent, grandparent, grandchild,~~
40 ~~brother, sister, or a person residing in the same household as the~~

1 vote by mail voter to return the ballot to the elections official from
2 whom it came or to the precinct board at a polling place within
3 the jurisdiction. The ballot must, however, be received by either
4 the elections official from whom it came or the precinct board
5 before the close of the polls on election day.

6 ~~(b) The elections official shall establish procedures to ensure
7 the secrecy of a ballot returned to a precinct polling place and the
8 security, confidentiality, and integrity of any personal information
9 collected, stored, or otherwise used pursuant to this section.~~

10 ~~(c) (1) On or before March 1, 2008, the elections official shall
11 establish procedures to track and confirm the receipt of voted vote
12 by mail ballots and to make this information available by means
13 of online access using the county's elections division Internet Web
14 site. If the county does not have an elections division Internet Web
15 site, the elections official shall establish a toll-free telephone
16 number that may be used to confirm the date a voted vote by mail
17 ballot was received.~~

18 ~~(2) The Secretary of State shall provide on his or her Internet
19 Web site the capability for a vote by mail voter to check the status
20 of the voter's vote by mail ballot to discover whether the ballot
21 was counted and, if not, the reason why it was not counted.~~

22 ~~(d) The provisions of this section are mandatory, not directory,
23 and a ballot shall not be counted if it is not delivered in compliance
24 with this section.~~

25 ~~(e) Notwithstanding subdivision (a), a vote by mail voter's ballot
26 shall not be returned by a paid or volunteer worker of a general
27 purpose committee, controlled committee, independent expenditure
28 committee, political party, candidate's campaign committee, or
29 any other group or organization at whose behest the individual
30 designated to return the ballot is performing a service. However,
31 this subdivision does not apply to a candidate or a candidate's
32 spouse.~~

33 ~~SEC. 9.~~

34 *SEC. 6.* Section 14310 of the Elections Code, as amended by
35 Section 1 of Chapter 611 of the Statutes of 2009, is amended to
36 read:

37 14310. (a) At all elections, a voter claiming to be properly
38 registered, but whose qualification or entitlement to vote cannot
39 be immediately established upon examination of the index of
40 registration for the precinct or upon examination of the records on

1 file with the county elections official, shall be entitled to vote a
2 provisional ballot as follows:

3 (1) An elections official shall advise the voter of the voter's
4 right to cast a provisional ballot.

5 (2) The voter shall be provided a provisional ballot, written
6 instructions regarding the process and procedures for casting the
7 provisional ballot, and a written affirmation regarding the voter's
8 registration and eligibility to vote. The written instructions shall
9 include the information set forth in subdivisions (c) and (d).

10 (3) The voter shall be required to execute, in the presence of an
11 elections official, the written affirmation stating that the voter is
12 eligible to vote and registered in the county where the voter desires
13 to vote.

14 (b) Once voted, the voter's ballot shall be sealed in a provisional
15 ballot envelope, and the ballot in its envelope shall be deposited
16 in the ballot box. All provisional ballots voted shall remain sealed
17 in their envelopes for return to the elections official in accordance
18 with the elections official's instructions. The provisional ballot
19 envelopes specified in this subdivision shall be a color different
20 than the color of, but printed substantially similar to, the envelopes
21 used for vote by mail ballots, and shall be completed in the same
22 manner as vote by mail envelopes.

23 (c) (1) During the official canvass, the elections official shall
24 examine the records with respect to all provisional ballots cast.
25 Using the procedures that apply to the comparison of signatures
26 on vote by mail ballots, the elections official shall compare the
27 signature on each provisional ballot envelope with the signature
28 on the voter's affidavit of registration. If the signatures do not
29 compare or the provisional ballot envelope is not signed, the ballot
30 shall be rejected. A variation of the signature caused by the
31 substitution of initials for the first or middle name, or both, shall
32 not invalidate the ballot.

33 (2) Provisional ballots shall not be included in any semiofficial
34 or official canvass, except upon: (A) the elections official's
35 establishing prior to the completion of the official canvass, from
36 the records in his or her office, the claimant's right to vote; or (B)
37 the order of a superior court in the county of the voter's residence.
38 A voter may seek the court order specified in this paragraph
39 regarding his or her own ballot at any time prior to completion of
40 the official canvass. Any judicial action or appeal shall have

1 priority over all other civil matters. No fee shall be charged to the
 2 claimant by the clerk of the court for services rendered in an action
 3 under this section.

4 (3) The provisional ballot of a voter who is otherwise entitled
 5 to vote shall not be rejected because the voter did not cast his or
 6 her ballot in the precinct to which he or she was assigned by the
 7 elections official.

8 (A) If the ballot cast by the voter contains the same candidates
 9 and measures on which the voter would have been entitled to vote
 10 in his or her assigned precinct, the elections official shall count
 11 the votes for the entire ballot.

12 (B) If the ballot cast by the voter contains candidates or
 13 measures on which the voter would not have been entitled to vote
 14 in his or her assigned precinct, the elections official shall count
 15 only the votes for the candidates and measures on which the voter
 16 was entitled to vote in his or her assigned precinct.

17 (d) (1) The Secretary of State shall establish a free access
 18 system on his or her Internet Web site that allows any voter who
 19 casts a provisional ballot to discover whether the voter’s
 20 provisional ballot was counted and, if not, the reason why it was
 21 not counted.

22 (2) The requirements of paragraph (1) shall not be satisfied by
 23 providing hyperlinks, or otherwise referring voters, to the free
 24 access systems established by county elections officials.

25 (e) The Secretary of State may adopt appropriate regulations
 26 for purposes of ensuring the uniform application of this section.

27 (f) This section shall apply to any vote by mail voter described
 28 by Section 3015 who is unable to surrender his or her unvoted vote
 29 by mail voter’s ballot.

30 (g) Any existing supply of envelopes marked “special challenged
 31 ballot” may be used until the supply is exhausted.

32 ~~SEC. 10.~~

33 *SEC. 7.* Section 14310 of the Elections Code, as amended by
 34 Section 3 of Chapter 497 of the Statutes of 2012, is amended to
 35 read:

36 14310. (a) At all elections, a voter claiming to be properly
 37 registered, but whose qualification or entitlement to vote cannot
 38 be immediately established upon examination of the index of
 39 registration for the precinct or upon examination of the records on

1 file with the county elections official, shall be entitled to vote a
2 provisional ballot as follows:

3 (1) An elections official shall advise the voter of the voter's
4 right to cast a provisional ballot.

5 (2) The voter shall be provided a provisional ballot, written
6 instructions regarding the process and procedures for casting the
7 ballot, and a written affirmation regarding the voter's registration
8 and eligibility to vote. The written instructions shall include the
9 information set forth in subdivisions (c) and (d).

10 (3) The voter shall be required to execute, in the presence of an
11 elections official, the written affirmation stating that the voter is
12 eligible to vote and registered in the county where the voter desires
13 to vote.

14 (b) Once voted, the voter's ballot shall be sealed in a provisional
15 ballot envelope, and the ballot in its envelope shall be deposited
16 in the ballot box. All provisional ballots voted shall remain sealed
17 in their envelopes for return to the elections official in accordance
18 with the elections official's instructions. The provisional ballot
19 envelopes specified in this subdivision shall be of a color different
20 than the color of, but printed substantially similar to, the envelopes
21 used for vote by mail ballots, and shall be completed in the same
22 manner as vote by mail envelopes.

23 (c) (1) During the official canvass, the elections official shall
24 examine the records with respect to all provisional ballots cast.
25 Using the procedures that apply to the comparison of signatures
26 on vote by mail ballots, the elections official shall compare the
27 signature on each provisional ballot envelope with the signature
28 on the voter's affidavit of registration. If the signatures do not
29 compare or the provisional ballot envelope is not signed, the ballot
30 shall be rejected. A variation of the signature caused by the
31 substitution of initials for the first or middle name, or both, shall
32 not invalidate the ballot.

33 (2) (A) Provisional ballots shall not be included in any
34 semiofficial or official canvass, except under one or more of the
35 following conditions:

36 (i) The elections official establishes prior to the completion of
37 the official canvass, from the records in his or her office, the
38 claimant's right to vote.

1 (ii) The provisional ballot has been cast and included in the
2 canvass pursuant to Article 4.5 (commencing with Section 2170)
3 of Chapter 2 of Division 2.

4 (iii) Upon the order of a superior court in the county of the
5 voter's residence.

6 (B) A voter may seek the court order specified in this paragraph
7 regarding his or her own ballot at any time prior to completion of
8 the official canvass. Any judicial action or appeal shall have
9 priority over all other civil matters. No fee shall be charged to the
10 claimant by the clerk of the court for services rendered in an action
11 under this section.

12 (3) The provisional ballot of a voter who is otherwise entitled
13 to vote shall not be rejected because the voter did not cast his or
14 her ballot in the precinct to which he or she was assigned by the
15 elections official.

16 (A) If the ballot cast by the voter contains the same candidates
17 and measures on which the voter would have been entitled to vote
18 in his or her assigned precinct, the elections official shall count
19 the votes for the entire ballot.

20 (B) If the ballot cast by the voter contains candidates or
21 measures on which the voter would not have been entitled to vote
22 in his or her assigned precinct, the elections official shall count
23 only the votes for the candidates and measures on which the voter
24 was entitled to vote in his or her assigned precinct.

25 (d) (1) The Secretary of State shall establish a free access
26 system on his or her Internet Web site that allows any voter who
27 casts a provisional ballot to discover whether the voter's
28 provisional ballot was counted and, if not, the reason why it was
29 not counted.

30 (2) The requirements of paragraph (1) shall not be satisfied by
31 providing hyperlinks, or otherwise referring voters, to the free
32 access systems established by county elections officials.

33 (e) The Secretary of State may adopt appropriate regulations
34 for purposes of ensuring the uniform application of this section.

35 (f) This section shall apply to any vote by mail voter described
36 by Section 3015 who is unable to surrender his or her unvoted vote
37 by mail voter's ballot.

38 (g) Any existing supply of envelopes marked "special challenged
39 ballot" may be used until the supply is exhausted.

1 ~~SEC. 11.~~

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

7 ~~SEC. 12.~~

8 *SEC. 9.* Sections 1 to ~~11~~, 8, inclusive, of this bill shall become
9 operative only if the Secretary of State certifies that the state has
10 a statewide voter registration database that complies with the
11 requirements of the federal Help America Vote Act of 2002 (42
12 U.S.C. Sec. 15301 et seq.).