

AMENDED IN ASSEMBLY AUGUST 12, 2013

AMENDED IN ASSEMBLY JUNE 4, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 589

Introduced by Senator Hill

(Coauthor: Assembly Member Mullin)

February 22, 2013

An act to ~~amend Section 3019 of, and to add Section Sections 3019.5 and 13305 to,~~ to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 589, as amended, Hill. Vote by mail ballots: sample ballots.

Existing law sets forth procedures for voting by mail and requires the local elections official to compare the signature on the identification envelope of a vote by mail ballot with the voter's signature that appears on his or her affidavit of registration. If the signatures compare, existing law requires the elections official to deposit the ballot in a ballot container. If the ballot is rejected because the signatures do not compare, existing law requires that the ballot not be counted and that the cause of the rejection be written on the face of the identification envelope. Existing law also requires the elections official to establish procedures to track and confirm the receipt of vote by mail ballots that are voted and to make that information available by means of online access using the county's elections division Internet Web site, or, if it has no Internet Web site, by a toll-free telephone number that may be used to confirm the date the ballot was received.

This bill would require the county elections official to establish a free access system by which a vote by mail voter may learn whether his or

her ballot was counted and, if not, the reason why it was not counted. This bill would require the elections official to make the free access system available to a vote by mail voter upon completion of the official canvass and for 30 days thereafter. *This bill would permit the county elections official to use the county’s free access system for provisional ballots to establish the free access system for vote by mail ballots.*

By requiring elections officials to provide a higher level of service, the bill would impose a state-mandated local program.

Existing law requires the appropriate elections official to prepare sample ballots for each election and to cause to be printed at least as many copies of the sample ballot as there are voters in each voting precinct. Existing law requires the elections official to mail a sample ballot to each voter who registered at least 29 days prior to the election.

This bill would permit the elections official to elect not to mail a sample ballot to a voter if specified conditions are satisfied. For each voter to whom the elections official elects not to mail a sample ballot, this bill would permit the elections official to cause to be printed one less copy of the sample ballot.

If a county elections official elects not to mail a sample ballot to a voter, this bill would require the elections official to use any savings achieved to offset the costs associated with establishing a free access system for vote by mail ballots before the savings may be used for any other purpose.

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 no reimbursement is required by this act for a specified reason.

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 3019 of the Elections Code is amended
- 2 to read:
- 3 3019. (a) ~~Upon receipt of the vote by mail ballot, the elections~~
- 4 ~~official shall compare the signature on the envelope with that~~
- 5 ~~appearing on the affidavit of registration and, if they compare,~~
- 6 ~~deposit the ballot, still in the identification envelope, in a ballot~~
- 7 ~~container in his or her office. A variation of the signature caused~~

1 by the substitution of initials for the first or middle name, or both,
2 shall not invalidate the ballot. If the ballot is rejected because the
3 signatures do not compare, the envelope shall not be opened and
4 the ballot shall not be counted. The cause of the rejection shall be
5 written on the face of the identification envelope.

6 ~~(b) If the elections official has compared the signature of the~~
7 ~~voter's application with the affidavit pursuant to Section 3009, the~~
8 ~~application may be used rather than the affidavit to make the~~
9 ~~signature check required by this section.~~

10 ~~(c) A ballot shall not be removed from its identification envelope~~
11 ~~until the time for processing. A ballot shall not be rejected for~~
12 ~~cause after the envelope has been opened.~~

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

20 ~~(e) The~~

21 *SECTION 1. Section 3019.5 is added to the Elections Code,*
22 *to read:*

23 *3019.5. (a) A county elections official shall establish a free*
24 *access system that allows a vote by mail voter to learn whether*
25 *his or her vote by mail ballot was counted and, if not, the reason*
26 *why the ballot was not counted. For each election, the elections*
27 *official shall make the free access system available to a vote by*
28 *mail voter upon completion of the official canvass and for 30 days*
29 *thereafter.*

30 *(b) For purposes of establishing the free access system for vote*
31 *by mail ballots required by subdivision (a), a county elections*
32 *official may use the free access system for provisional ballots*
33 *established by the county pursuant to Section 302 of the federal*
34 *Help America Vote Act of 2002 (42 U.S.C. Sec. 15482).*

35 *(c) If a county elections official elects not to mail a sample*
36 *ballot to a voter pursuant to Section 13305, the elections official*
37 *shall use any savings achieved to offset the costs associated with*
38 *establishing the free access system for vote by mail ballots required*
39 *by subdivision (a).*

40 *SEC. 2. Section 13305 is added to the Elections Code, to read:*

1 13305. (a) Notwithstanding Sections 13300 and 13303, a
2 county elections official may elect not to mail a sample ballot to
3 a voter if all of the following are satisfied:

- 4 (1) The voter is one of the following:
 - 5 (A) A permanent vote by mail voter pursuant to Chapter 3
 - 6 (commencing with Section 3200) of Division 3.
 - 7 (B) A voter in a mail ballot election conducted pursuant to
 - 8 Division 4 (commencing with Section 4000).
 - 9 (C) A voter in a precinct in which an election is conducted
 - 10 pursuant to Section 3005.

11 (2) The county elections official prepares and mails to each
12 voter a voter information guide. The voter information guide shall
13 include all of the information required to be included in, and shall
14 be accompanied by all the election materials required to
15 accompany, the sample ballot, except for both of the following:

- 16 (A) An application for a vote by mail ballot.
- 17 (B) A notice that a vote by mail ballot application is enclosed.
- 18 (3) The voter is furnished with an official ballot pursuant to
- 19 Section 3005 or 3010.

20 (b) Notwithstanding subdivision (a) of Section 13303, for each
21 voter to whom the elections official elects not to mail a sample
22 ballot pursuant to subdivision (a), the elections official may cause
23 to be printed one less copy of the sample ballot.

24 *(c) If a county elections official elects not to mail a sample ballot*
25 *to a voter pursuant to this section, the elections official shall use*
26 *any savings achieved to offset the costs associated with establishing*
27 *a free access system for vote by mail ballots pursuant to Section*
28 *3019.5 before the savings may be used for any other purpose.*

29 SEC. 3. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 this act provides for offsetting savings to local agencies or school
32 districts that result in no net costs to the local agencies or school
33 districts, within the meaning of Section 17556 of the Government
34 Code.

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2 **CORRECTIONS:**
3 **Text—Page 3.**
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