LEGISLATIVE GUIDE TO CALIFORNIA ELECTION LAWS

— 2013 —

Summary of Election Related Legislation

California Association of Clerks and Election Officials

LEGISLATIVE GUIDE TO ELECTION LAWS

2013

Summary of Election Related Legislation

CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

How to Use This Manual

This Legislative Guide to Election Laws has been prepared to provide you with a summary of election related legislation chaptered or vetoed in 2013. Changes in or additions to text are shown by underlined italics, deletions are indicated by strikeouts, and new law text is shown italicized with no underlining. In addition to summaries of legislation and California code language, the manual also contains the Assembly or Senate Bill number, chapter number assigned by the Secretary of State, Governor's veto letters, and a table of code sections affected by chaptered legislation. A copy of each bill listed in its full text can be obtained from the Legislative Counsel of California at __www.leginfo.ca.gov__.

Disclaimer

It is not the intent of the authors of this publication to provide any legal analysis or opinion relating to the bills listed herein. Please note that anyone using this guide must bear full responsibility to make their own determinations as to all legal standards, duties and factual material contained therein.

CALIFORNIA ASSOCIATION OF CLERKS
AND ELECTION OFFICIALS

Dear Reader,

The California Association of Clerks and Election Officials (CACEO) is proud to publish the annual "Guide to Election Laws" as a resource to our membership, policy makers and the general public. The Guide to Election Laws contains summaries of important election related legislation introduced in the last legislative session. It serves as a quick reference to new laws that were enacted or legislation that was vetoed during the session.

The proper administration of elections in California is essential to preserving and strengthening our local democratic process. This requires a well-run, accurate and accessible voting process. As an association CACEO works diligently with state officials and policy makers to advocate for, monitor and inform legislative efforts that make elections work. This publication is part of our initiative to inform the public of important legislative efforts that have an impact on the voting process.

On behalf of the California Association of Clerks and Election Officials I would like to express our thanks to the Office of the Los Angeles County Registrar-Recorder/County Clerk for their outstanding work in preparing this annual publication.

Cathy Darling-Allen, President

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BILL LISTING

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	360	602
	362	566
	553	215
	589	280

TOTAL COUNT: 27

Section Two

SECTIONS AFFECTED

**Am = Amended, Add = Added, R = Repealed,
Rn = Renumbered**

CODE	SECTION	CHAPTER	EFFECT
EDUCATION	33540	483	Am
ELECTIONS	102	278	Am
	104	278	Am
	303.3	560	Am
	336.7	566	Add
	338	511	Am
	354.5	151	Am
	1415	184	Am
	2105.5	580	Add
	2154	93	Am
	2187	511	Am
	2194	118	Am
	2194.1	118	Add
	2198	277	Add
	Chapter 7 (comm. w/Sec. 2500) to Div. 2	268	Add
	2500	268	Add
	2501	268	Add
	3001	501	Am
	3004	560	Am
	3007.8	501	Add
	3019	271	R
	3019	271	Add
	3019.5	280	Add
	3021.5	566	Add
	3106	271	Am
	3114	560	Am
	3122	560	Am
	3201	560	Am
	3203	560	Am
	5001	511	Am
	5002	511	Am
	5004	511	Am
	5005	511	Am

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CODE	SECTION	CHAPTER	EFFECT
ELECTIONS (CONT.)	Chapter 2.5 (comm. w/Sec. 5150) to Div. 5	511	Add
	5150	511	Add
	5151	511	Add
	5152	511	Add
	5153	511	Add
	5154	511	Add
	5200	511	Am
	6106	278	Am
	6108	278	Am
	6363	278	Am
	6365	278	Am
	6584	278	Am
	6586	278	Am
	6587	278	Am
	6784	278	Am
	6786	278	Am
	6787	278	Am
	8001	511	Am
	8041	278	Am
	8066	278	Am
	8106	278	Am
	8147.5	560	Add
	8409	278	Am
	8451	278	Am
	9021	278	Am
	9022	278	Am
	9160	265	Am
	9209	278	Am
	9237	278	Am
	9238	278	Am
	9255	184	Am
	9260	184	Am
	9280	265	Am
	9305	278	Am
	9307	278	Am
	9313	265	Am
	9314	265	Am
	9500	265	Am
	10220	278	Am
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	10403	98	Am
	10418	98	Am

CODE	SECTION	CHAPTER	EFFECT
ELECTIONS (CONT.)	10735	560	Am
	11045	278	Am
	11046	278	Am
	12300	162	Am
	12302	162	Am
	13118	106	Am
	13301	560	R
	13305	280	Add
	13306	560	Am
	13309	560	Am
	15372	112	Am
	15501	112	Am
	Heading of Div. 19 (comm. w/Sec. 19001)	602	Am
	19006	602	Add
	19100	602	Am
	19101	602	Am & Rn
	19101	602	Add
	19102	602	Add
	19103	602	Am & Rn
	19104	498	Add
	Heading of Ch. 3 (comm. w/Sec. 19200) of Div. 19	602	Am
	Heading of Art. 1 (comm. w/Sec. 19200) of Ch. 3 of Div. 19	602	Am
	19200.5	602	Am & Rn
	19201	602	Add
	19202	602	Am & Rn
	19203	602	Am & Rn
	19204	602	Am & Rn
	19205	602	R
	19206	560	Am
	19206	602	R & Add
	19207	602	Am & Rn
	19208	602	R
	19209	602	Am & Rn
	19210	602	Am & Rn
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	19212.5	602	Am & Rn
	19213	602	Am & Rn

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CODE	SECTION	CHAPTER	EFFECT
ELECTIONS (CONT.)	19214	602	Am & Rn
	19214.5	602	Am & Rn
	19215	602	Am & Rn
	19216	602	Am & Rn
	19217	602	Am & Rn
	Heading of Art. 2 (comm. w/Sec. 19220) of Ch. 3 of Div. 19	602	Am & Rn
	Art. 2 (comm. w/Sec. 19220) to Ch. 3 of Div. 19	602	Add
	19220	602	Am & Rn
	19220	602	Add
	19221	602	Am & Rn
	19221	602	Add
	19222	602	Am & Rn
	19222	602	Add
	19223	602	Am & Rn
	Heading of Art. 2.5 (comm. w/Sec. 19225) of Ch. 3 of Div. 19	602	Am & Rn
	19225	602	Am & Rn
	19226	602	Am & Rn
	19227	602	Am & Rn
	19227.5	602	Am & Rn
	19228	602	Am & Rn
	19229	602	Am & Rn
	19229.5	602	Am & Rn
	Heading of Art. 3 (comm. w/Sec. 19230) of Ch. 3 of Div. 19	602	Am & Rn
	19230	602	Am & Rn
	19231	602	Am & Rn
	19232	602	Am & Rn
	19233	602	Am & Rn
	19234	602	Am & Rn
	19234.5	602	Am & Rn
	19235	602	Am & Rn
	19236	602	Am & Rn

CODE	SECTION	CHAPTER	EFFECT
ELECTIONS (CONT.)	19237	602	Am & Rn
	19238	602	Am & Rn
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	19241	602	Am & Rn
	19242	602	Am & Rn
	19243	602	Am & Rn
	19244	602	Am & Rn
	19245	602	Am & Rn
	Heading of Art. 4 (comm. w/Sec. 19250) of Ch. 3 of Div. 19	602	Am & Rn
	19250	602	Am & Rn
	19251	602	Am & Rn
	19252	602	Am & Rn
	19253	602	Am & Rn
	19254	602	Am & Rn
	19255	602	Am & Rn
	Heading of Ch. 3.5 (comm. w/Sec. 19260) of Div. 19	602	Am
	19260	602	Am & Rn
	19261	602	Am & Rn
	19262	602	Am & Rn
	19263	602	Am & Rn
	19264	602	Am & Rn
	19265	602	R
	19266	602	R
	19267	602	Am & Rn
	19268	602	R
	19269	602	Am & Rn
	19270	602	Am & Rn
	19271	602	Am & Rn
	19272	602	Am & Rn
	19273	602	Am & Rn
	19274	602	Am & Rn
	19275	602	Am & Rn
	19282	602	Add
	19283	602	Add
	19286	602	Add

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CODE	SECTION	CHAPTER	EFFECT
	19295	602	Am & Rn
GOVERNMENT	26802.5	12	Am
	34457	184	Am
	34458	184	Am
	53755.5	215	Add
	66704.05	514	Am
	81008	654	Am
	83109	654	Am
	84102	654	Am
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PUBLIC UTILITIES	11852.5	108	Add

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Section Three

2013 CHAPTERED LEGISLATION

VOTER REGISTRATION: AFFIDAVITS: REBUTTABLE PRESUMPTIONS

AB 131

Assembly Bill 131
Chapter 93

CURRENT PROVISIONS:
Existing law provides that when a county elections official receives an affidavit of registration that does not include portions of information for which space is provided, the county elections official is required to apply several rebuttable presumptions that include the presumption that if the affiant fails to identify his or her state of birth within the United States, then it is presumed that the affiant was born in a state or territory of the United States if the affiant lists his or her birthplace as the United States, U.S.A., or other recognizable term designating the United States.

NEW PROVISIONS:
Provides that the affiant's failure to furnish his or her place of birth shall not preclude his or her affidavit of registration from being deemed complete.

SECTION AFFECTED:

Amends Election Code 2154
    In the event that the county elections official receives an affidavit of ~~registration~~ *registration, executed under penalty of perjury,* that does not include portions of the information for which space is provided, the county elections official shall apply the following rebuttable presumptions:
    (d)   If the affiant fails to identify his or her state of birth within the United States, it shall be presumed that the affiant was born in a state or territory of the United States if the birthplace of the affiant is shown as "United States," "U.S.A.," or other recognizable term designating the United States. *The affiant's failure to furnish his or her place of birth shall not preclude his or her affidavit of registration from being deemed complete.*

Changes in or additions to text are shown by underlined *italics*, deletions by ~~strikeouts~~, and new law text is shown *italicized* with no underlining.

*Full text can be obtained from www.leginfo.ca.gov

VOTING RIGHTS: COUNTY PROBATION DEPARTMENTS

Assembly Bill 149
Chapter 580

CURRENT PROVISIONS:
Existing law provides that in order to be entitled to register to vote a person must be a United States citizen, a resident of California, 18 years of age, and not be incarcerated or on parole for a felony conviction.

NEW PROVISIONS:
Requires each county probation department to either establish and maintain on the county probation department's Internet Web site a hyperlink to the Secretary of State's voting rights guide for incarcerated persons or post a notice with the Internet Web site address that contains the Secretary of State's voting rights guide for incarcerated persons in each probation office where probationers are seen.

SECTION AFFECTED:

Adds Elections Code 2105.5
Each county probation department shall do one of the following:
(a) Establish and maintain on the county probation department's Internet Web site a hyperlink to the Internet Web site at which the Secretary of State's voting rights guide for incarcerated persons may be found.
(b) Post, in each probation office where probationers are seen, a notice that contains the Internet Web site address at which the Secretary of State's voting rights guide for incarcerated persons may be found.

VOTING: STATE OF EMERGENCY

Assembly Bill 214
Chapter 498

CURRENT PROVISIONS:
Existing law designates the Secretary of State as the chief elections officer of the state and requires him or her to study and adopt regulations governing the use of voting machines, voting devices, vote tabulating devices, and ballot marking systems.

AB 149

AB 214

NEW PROVISIONS:

Requires the Secretary of State, by December 31, 2014, to establish, in consultation with county elections officials, procedures and guidelines for voting in the event of a natural disaster or other state of emergency.

Requires the Secretary of State to publish those procedures and guidelines on his or her Internet Web site.

Requires the Secretary of State to report to the Legislature, by December 31, 2014, on the readiness of the state to hold elections during or following a natural disaster or other state of emergency, as specified.

SECTION AFFECTED:

Adds Elections Code 19104

(a) The Secretary of State shall do both of the following by December 31, 2014:

(1) In consultation with county elections officials, establish the procedures and guidelines for voting in the event of a natural disaster or other state of emergency. The Secretary of State shall publish the procedures and guidelines on his or her Internet Web site.

(2) Submit a report to the Legislature on the readiness of the state to hold elections during or following a natural disaster or other state of emergency.

(b) (1) The requirement for submitting a report imposed under paragraph (2) of subdivision (a) is inoperative on December 31, 2018, pursuant to Section 10231.5 of the Government Code.

(2) A report to be submitted pursuant to paragraph (2) of subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

───────────● **REGISTRAR OF VOTERS: COUNTY OF MODOC** ●───────────

Assembly Bill 254
Chapter 12

CURRENT PROVISIONS:

Existing law provides that in specified counties, the board of supervisors is authorized to appoint a registrar of voters to discharge all duties vested by law in the county elections official which relate to, and are part of, the election procedure.

NEW PROVISIONS:
Extends the appointment authority to the County of Modoc, and makes a legislative finding and declaration as to the necessity of a special statute for the County of Modoc.

SECTIONS AFFECTED:

Amends Government Code 26802.5

In the Counties of El Dorado, Imperial, Kings, Lake, Marin, Merced, _Modoc,_ Monterey, Napa, Riverside, San Joaquin, Solano, and Tulare, a registrar of voters may be appointed by the board of supervisors in the same manner as other county officers are appointed. In those counties, the county clerk is not ex officio registrar of voters, and the registrar of voters shall discharge all duties vested by law in the county elections official that relate to and are a part of the election procedure.

SEC.2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the circumstances of Modoc County. The facts constituting the special circumstances include the need to reorganize the structure and duties of county officers to reduce costs and increase productivity within the county government.

AB 254

CONSOLIDATION OF ELECTIONS

Assembly Bill 331
Chapter 98

CURRENT PROVISIONS:
Existing law provides that whenever two or more elections are called to be held on the same day, in the same territory, or in territory that is in part the same, the elections may be consolidated.

Requires, if one of the elections to be consolidated is a statewide election or a specified local election, the consolidated election to be held and conducted and all other proceedings incidental to and connected with the election to be regulated and done, in accordance with the provisions of law regulating the statewide or regularly scheduled election.

AB 331

Changes in or additions to text are shown by underlined _italics_, deletions by ~~strikeouts~~, and new law text is shown _italicized_ with no underlining.

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Requires, if an election called by a district, city, or other political subdivision is to be consolidated with a statewide election, as specified, the district, city, or other political subdivision must file with the board of supervisors and the county elections official a resolution of its governing board that, among other things, requests the consolidation.

NEW PROVISIONS:
Specifies that whenever an election is consolidated with a special election, the consolidated election shall be held and conducted, and all other proceedings incidental to and connected with the election to be regulated and done, in accordance with the provisions of law regulating the special election.

Requires the resolution to acknowledge that the consolidated election will be held and conducted in accordance with the provisions of law regulating the statewide election.

SECTIONS AFFECTED:

Amends Election Code 10403
   (a) Whenever an election called by a district, ~~city~~ *city,* or other political subdivision for the submission of ~~any~~ *a* question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for ~~that~~ *the* statewide election, the district, city, or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board ~~requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. The question or proposition to appear on the ballot shall conform to this code governing the wording of propositions submitted to the voters at a statewide election. The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election. The names of the candidates to appear upon the ballot where district, city, or other political subdivision offices are to be filled shall be filed with the county elections official no later than 81 days prior to the election.~~ *that does all of the following:*
   (1) Requests that the district, city, or other political subdivision election be consolidated with the statewide election.
   (2) Sets forth the exact form of the question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. The question or

AB 331

proposition to appear on the ballot shall conform to this code governing the wording of propositions submitted to the voters at a statewide election.

(3) Acknowledges that the consolidated election will be held and conducted in the manner prescribed in Section 10418.

(b) The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election.

(c) The names of the candidates to appear upon the ballot where district, city, or other political subdivision offices are to be filled shall be filed with the county elections official no later than 81 days prior to the election.

Amends Election Code 10418

(a) Whenever an election is to be held on the same day as a statewide election, ~~including~~ a ~~statewide~~ special election, or an election held pursuant to Section 1302 or 1303, the election may be consolidated with the statewide ~~election.~~ *or special election, or the election held pursuant to Section 1302 or 1303, as applicable.* If consolidated, the consolidated election shall be held and conducted, election ~~officers~~ *boards* appointed, voting precincts designated, candidates nominated, ballots printed, polls opened and closed, *voter challenges determined,* ballots counted and returned, returns canvassed, results declared, certificates of election issued, *recounts conducted, election contests presented,* and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the statewide or ~~regularly scheduled election.~~ *special election, or the election held pursuant to Section 1302 or 1303, as applicable.*

(b) The precincts used at the consolidated election shall be those used for the ~~statewide~~ *statewide, special,* or regularly scheduled election and, where necessary, the county elections official may adjust precinct lines to coincide with the boundaries of the particular jurisdiction.

<div align="right">**AB 331**</div>

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LOCAL BALLOT MEASURES: IMPARTIAL ANALYSIS

Assembly Bill 354
Chapter 265

CURRENT PROVISIONS:

Existing law provides that a county, city, or district ballot measure may be placed on the ballot at the county, city, or district election by a petition signed by the requisite number of voters or by the county board of supervisors, the governing body of the city, or the governing body of the district, respectively.

<div align="right">**AB 354**</div>

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Requires the county counsel or city attorney, as applicable, to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure whenever a county, city, or district measure qualifies for a place on the ballot.

Provides that a ballot measure may be placed on the ballot at a school district election by the governing board of the school district.

Requires the county counsel or district attorney, as applicable, to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure whenever a school district ballot measure is placed on the ballot.

NEW PROVISIONS:
Requires the impartial analysis for a county, city, or district ballot measure to include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the county board of supervisors, city governing body, or district governing body, respectively.

Requires the impartial analysis for a school district ballot measure to include a statement indicating that the measure was placed on the ballot by the governing board of the school district.

SECTIONS AFFECTED:

Amends Elections Code 9160
   (a) Whenever ~~any~~ *a* county measure qualifies for a place on the ballot, the county elections official shall transmit a copy of the measure to the county auditor and to the county counsel or to the district attorney in ~~any~~ *a* county ~~which~~ *that* has no county counsel.
   (b) The county counsel or district attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall *include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the board of supervisors. The analysis shall* be printed preceding the arguments for and against the measure. The analysis may not exceed 500 words in length.

Amends Elections Code 9280
   Whenever ~~any~~ *a* city measure qualifies for a place on the ballot, the governing body may direct the city elections official to transmit a copy of the

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measure to the city attorney, unless the organization or salaries of the office of the city attorney are affected. The city attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. *The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city.* If the measure affects the organization or salaries of the office of the city attorney, the governing board may direct the city elections official to prepare the impartial analysis. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

Amends Elections Code 9313

Except as provided in Section 9314, whenever ~~any petition~~ *a district measure* is submitted to the voters, the district elections official shall transmit a copy of the measure to the county counsel, or to the district attorney if there is no county counsel, of the county that contains the largest number of registered voters of the district. The county counsel or district attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall *include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the district. The analysis shall* be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

Amends Elections Code 9314

(a) Whenever ~~any petition~~ *a district measure* is submitted to the voters of a water district, the district elections official shall transmit a copy of the measure to the legal counsel for the water district, or to the county counsel if there is no legal counsel for the water district, of the county that contains the largest number of registered voters of the water district. Except as otherwise provided in subdivision (b), if there is a legal counsel for the water district, he or she shall prepare, subject to review and revision by the county counsel, an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall *include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the water district. The analysis shall* be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

(c) (1) "Legal counsel for the water district" means the attorney designated under the district's conflict of interest code as its legal officer pursuant to

AB 354

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~~Section 87300 et seq. of~~ *Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 of* the Government Code.

Amends Elections Code 9500

(a) Whenever a school measure qualifies for a place on the ballot, the county elections official shall transmit a copy of the measure to the county counsel or to the district attorney in ~~any~~ *a* county that has no county counsel.

(b) The county counsel or district attorney shall prepare an impartial analysis of the measure, showing the effect of the measure on the existing law and the operation of the measure. The analysis shall *include a statement indicating that the measure was placed on the ballot by the governing board of the district. The analysis shall* be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length.

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MUNICIPAL UTILITY DISTRICTS: ELECTIONS

Assembly Bill 408
Chapter 108

CURRENT PROVISIONS:

Existing law provides that The Municipal Utility District Act, which governs the formation and governance of a municipal utility district, requires specified districts to increase the number of directors on the district board from 5 to 7, as provided.

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.

NEW PROVISIONS:

Requires a county elections official to submit a certificate of facts to the district board relating to any filings of declared candidacy for a particular ward and inform the board that it may adopt a specified course of action, including appointing a person to the office or holding the election, as provided, if by 5 p.m. on the 83rd day prior to the day fixed for an election no one or only one person has filed a declaration of candidacy.

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SECTION AFFECTED:

Adds Public Utility Code 11852.5

(a) Notwithstanding any other provision of law, if, in a district subject to this article, by 5 p.m. on the 83rd day prior to the day fixed for the general election, no one or only one person has filed a declaration of candidacy for a particular ward, the county elections official shall submit a certificate of these facts to the district board and inform the board that it may, at a regular or special meeting held on or before the 76th day prior to the election, adopt one of the following courses of action:

(1) If only one person has filed a declaration of candidacy for a ward, appoint that person to the office.

(2) If no one has filed a declaration of candidacy for a ward, appoint a person to the office who would be qualified on the date the election would have been held.

(3) If either no one or only one person has filed a declaration of candidacy for a ward, hold the election.

(b) If the board makes an appointment pursuant to subdivision (a), the elections official shall not accept for filing any statement of write-in candidacy that is submitted after the appointment is made. The person appointed, if any, shall qualify and take office and serve exactly as if elected at an election for the office.

(c) If by the 76th day prior to the day fixed for the election, the district board has not appointed the sole candidate to the office pursuant to paragraph (1) of subdivision (a) or has not adopted a process to appoint, or appointed, a qualified person to the office pursuant to paragraph (2) of subdivision (a), the election shall be held.

(d) A district board may adopt a process to appoint a qualified person to the office pursuant to paragraph (2) of subdivision ~~(a)~~ (a). Upon adoption of this process, the district board shall appoint a qualified person to office no later than the day fixed for the election.

*(e) **This section shall apply to all elections held in any district subject to this article that takes place on or after January 1, 2014.***

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VOTE BY MAIL BALLOTS: TELEPHONE APPLICATIONS

Assembly Bill 530
Chapter 501

CURRENT PROVISIONS:

AB 408

AB 530

Existing law requires that application for a vote by mail voter's ballot be made in writing to the elections official having jurisdiction over the election during a specified period prior to the election, subject to specified exceptions.

NEW PROVISIONS:
Creates an additional exception to the existing requirement by authorizing a local elections official to offer a voter the ability to apply for a vote by mail voter's ballot by telephone.

Requires a telephone applicant for a vote by mail voter's ballot to provide specified information to the elections official.

Prohibits a person from applying for a vote by mail voter's ballot by telephone using the name of, or on behalf of, another person.

SECTIONS AFFECTED:

Amends Elections Code 3001
    Except as provided in Chapter 3 (commencing with Section 3200) and Sections 3007.5 *3007.5, 3007.7,* and 3007.7, *3007.8,* application for a vote by mail voter's ballot shall be made in writing to the elections official having jurisdiction over the election between the 29th and the 7th day prior to the election. The application shall be signed by the applicant and shall show his or her place of residence. Any applications received by the elections official prior to the 29th day shall be kept and processed during the application period.

Adds Elections Code 3007.8
    (a) A local elections official may offer a voter the ability to apply for a vote by mail voter's ballot by telephone.
    (b) To apply by telephone, the applicant shall provide to the elections official personal identifying information that matches the information contained on the applicant's affidavit of registration, including first and last name, home address, and date of birth. The applicant's signature shall not be required.
    (c) A person shall not apply for a vote by mail voter's ballot pursuant to this section using the name of, or on behalf of, another person.
    (d) Prior to being asked for personal identifying information, an applicant applying for a vote by mail voter's ballot pursuant to this section shall be advised as follows:

AB 530

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"Only the registered voter himself or herself may apply for a vote by mail ballot. An application for a vote by mail ballot that is made by any person other than the registered voter is a criminal offense."

(e) Except as otherwise provided in this section, all provisions of this code governing written applications for vote by mail voter's ballots shall apply to applications made by telephone.

PUPIL INSTRUCTION: VOTER EDUCATION

Assembly Bill 700
Chapter 483

AB 700

CURRENT PROVISIONS:
Existing law establishes the Instructional Quality Commission, and requires the commission, among other duties, to ensure that specified historical documents are incorporated into the history-social science framework when it is revised.

NEW PROVISIONS:
Requires the commission, when the history-social science framework is revised, to ensure that voter education information is included in the American government and civics curriculum at the high school level, including, but not limited to, information on the importance of registering to vote in local, state, and federal elections, where and how to access and understand the voter information pamphlet and other materials to become an informed voter, and certain other information.

Provides that it shall not be construed as requiring the commission to meet specifically for purposes of implementing the changes made by this bill.

Requires that any revisions to the history-social science framework made pursuant to the bill be implemented in accordance with the commission's regular adoption schedule.

SECTION AFFECTED:

Amends Education Code 33540
(a) The ~~State Board of Education~~ *state board* and the department shall request that the commission review and revise, as necessary, the course requirements in the history-social science framework developed by the History-Social Science Curriculum Framework and Criteria Committee of the

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state board to ensure that minimum standards for courses in American government and civics include sufficient attention to teaching pupils how to interact, in a practical manner, with state and local governmental agencies and representatives to solve problems and to petition for changes in laws and procedures.

(b) When the history-social science framework is revised as required by law, the commission shall ~~ensure that the following historical documents are incorporated into the framework, as appropriate:~~ *do both of the following:*

(1) Ensure that voter education information is included in the American government and civics curriculum at the high school level, including, but not limited to, information on the importance of registering to vote in local, state, and federal elections, how to register to vote, both online and by mail, what the requirements are to register to vote, how to request an absentee ballot, how to fill out and return an absentee ballot, what to expect on election day, how to find a polling place, and where and how to access and understand the voter information pamphlet and other materials to become an informed voter.

(2) Ensure that the following historical documents are incorporated into the framework, as appropriate:

~~(1)~~ *(A)* The Declaration of Independence.

~~(2)~~ *(B)* The United States Constitution, including the Bill of Rights.

~~(3)~~ *(C)* The Federalist Papers.

~~(4)~~ *(D)* The Emancipation Proclamation.

~~(5)~~ *(E)* The Gettysburg Address.

~~(6)~~ *(F)* George Washington's Farewell Address.

SEC. 2. This act shall not be construed as requiring the Instructional Quality Commission to meet specifically for purposes of implementing the changes made by Section 1 of this act, and any revisions to the history-social science framework made pursuant to Section 1 of this act shall be implemented in accordance with the commission's regular adoption schedule.

ELECTION RESULTS

Assembly Bill 813
Chapter 112

CURRENT PROVISIONS:
Existing law requires each local elections official to prepare a certified statement of the results of each election, and requires the Secretary of State to compile election results and prepare, certify, and file a statement of the vote from the compiled results.

AB 700

AB 813

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.

NEW PROVISIONS:
Requires the certified statement of the results of the election and the certified statement of the vote to be posted on the Internet Web sites of each local elections official and the Secretary of State in a downloadable spreadsheet format, as specified, for a period of at least 10 years.

SECTIONS AFFECTED:

Amends Election Code 15372
   (a) The elections official shall prepare a certified statement of the results of the election and submit it to the governing body within 28 days of the election or, in the case of school district, community college district, county board of education, or special district elections conducted on the first Tuesday after the first Monday in November of odd-numbered years, no later than the last Monday before the last Friday of that month.
   (b) The elections official shall post the certified statement of the results of the election on his or her Internet Web site in a downloadable spreadsheet format that may include, but is not limited to, a comma-separated values file or a tab-separated values file and that is compatible with a spreadsheet software application that is widely used at the time of the posting. The certified statement of the election results shall be posted and maintained on the elections official's Internet Web site for a period of at least 10 years following the election. This subdivision shall apply only to an elections official who uses a computer system that has the capability of producing the election results in a downloadable spreadsheet format without requiring modification of the computer system.

Amends Election Code 15501
   (b) The Secretary of State shall prepare, certify, and file a statement of the vote from the compiled results no later than the 38th day after the election. *The Secretary of State shall post the certified statement of the vote on his or her Internet Web site in a downloadable spreadsheet format that may include, but is not limited to, a comma-separated values file or a tab-separated values file and that is compatible with a spreadsheet software application that is widely used at the time of the posting. The certified statement of the vote shall be posted and maintained on the Secretary of*

AB 813

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State's Internet Web site for a period of at least 10 years following the election.

ELECTIONS OFFICIALS

Assembly Bill 817
Chapter 162

CURRENT PROVISIONS:
Existing law authorizes an elections official to appoint any voter to serve as a precinct board member, as specified.

NEW PROVISIONS:
Authorizes an elections official to appoint a person who is lawfully admitted for permanent residence in the United States, as specified, and who is otherwise eligible to register to vote, except for his or her lack of United States citizenship, to serve as a precinct board member.

Provides that a nonvoter appointed to serve as a precinct board member is prohibited from serving as or performing the duties of the inspector of a precinct board, or from being used by the precinct board to tally votes.

SECTIONS AFFECTED:

Amends Elections Code 12300
          Any ~~voter~~ *voter, or any individual who possesses the qualifications set forth in paragraph (1) of subdivision (c) of Section 12302,* may file an application with the elections official for the position of precinct board member. The elections official may require the application be made on specific forms supplied by the elections official.

Amends Elections Code 12302
     (a) Except as provided in ~~subdivision (b),~~ *subdivisions (b) and (c),* a member of a precinct board shall be a voter of the state. The member may serve only in the precinct for which his or her appointment is received.
     (b) *(1)* In order to provide for a greater awareness of the elections process, the rights and responsibilities of voters, and the importance of participating in the electoral process, as well as to provide additional members of precinct boards, an elections official may appoint not more than five ~~pupil~~ *pupils* per precinct to serve under the direct supervision of precinct board members designated by the elections official. A pupil may be

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appointed, notwithstanding his or her lack of eligibility to vote, subject to the approval of the governing board of the educational institution in which the pupil is enrolled, if the pupil possesses the following qualifications:

(1) *(A)* Is at least 16 years of age at the time of the election ~~to~~ *for* which he or she is serving as a member of a precinct board.

(2) *(B)* Is a United States citizen or will be a citizen at the time of the election ~~to~~ *for* which he or she is serving as a member of a precinct board.

(3) *(C)* Is a pupil in good standing attending a public or private secondary educational institution.

(4) *(D)* Is a pupil who has a grade point average of at least 2.5 on a 4.0 scale.

~~(c)~~ *(2)* A pupil appointed pursuant to *this* subdivision ~~(b)~~ may not be used by a precinct board to tally votes.

(c) (1) In order to promote civic engagement among residents of the state and to provide additional members of precinct boards, an elections official may appoint not more than five nonvoters per precinct to serve as precinct board members. A nonvoter may be appointed, notwithstanding his or her lack of eligibility to vote, if the nonvoter possesses the following qualifications:

(A) Is lawfully admitted for permanent residence in the United States, as defined in Section 101(a)(20) of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101(a)(20)).

(B) Is otherwise eligible to register to vote pursuant to Section 2101 except for his or her lack of United States citizenship.

(2) A nonvoter appointed to a precinct board pursuant to this subdivision shall not be permitted to do either of the following:

(A) Serve as, or perform any of the duties of, the inspector of a precinct board.

(B) Tally votes for the precinct board.

AB 817

ELECTION MANAGEMENT SYSTEMS

Assembly Bill 829
Chapter 268

CURRENT PROVISIONS:
Existing law requires the vendor of a voting system or a ballot marking system to cause an exact copy of the source code for each component of the system to be deposited into an approved escrow facility.

AB 829

NEW PROVISIONS:

Requires the vendor of an election management system to cause an exact copy of the source code for each component of the election management system to be deposited into an approved escrow facility.

Requires the Secretary of State to adopt regulations implementing this requirement.

Provides to the Secretary of State reasonable access to the materials placed in escrow.

Authorizes the Secretary of State to seek injunctive relief to implement these requirements, and provides that venue for the proceeding be exclusively in Sacramento County.

SECTIONS AFFECTED:

Adds Elections Code 2500

As used in this chapter, an "election management system" is a system that is used by a county in the state to track voter registration or voter preferences, including, for example, a voter's vote-by-mail status.

Adds Elections Code 2501

(a) No later than January 31, 2014, and annually thereafter, the vendor of an election management system shall cause an exact copy of the source code for each component of the election management system, including complete build and configuration instructions and related documents for compiling the source code into object code, to be deposited into an approved escrow facility. The vendor shall place in escrow source codes for each version of the election management system in use in a county in the state.

(b) The Secretary of State shall adopt regulations relating to all of the following:

(1) The definition of source code components of an election management system, including source code for all firmware and software of the election management system. Firmware and software shall include commercial off-the-shelf or other third-party firmware and software that is available and able to be disclosed by the vendor of the election management system.

(2) Specifications for the escrow facility, including security and environmental specifications necessary for the preservation of the election management system source codes.

(3) Procedures for submitting election management system source codes.

AB 829

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(4) Criteria for access to election management system source codes.

(5) Requirements for the vendor to include in the materials deposited in escrow build and configuration instructions and documents so that a neutral third party may create, from the source codes in escrow, executable object codes identical to the code installed on the election management system.

(c) The Secretary of State shall have reasonable access to the materials placed in escrow, under the following circumstances:

(1) In the course of an investigation or prosecution regarding election management system equipment or procedures.

(2) Upon a finding by the Secretary of State that an escrow facility or escrow company is unable or unwilling to maintain materials in escrow in compliance with this section.

(3) For any other purpose deemed necessary to fulfill the provisions of this code or Section 12172.5 of the Government Code.

(d) The Secretary of State may seek injunctive relief requiring the elections officials, approved escrow facility, or any vendor or manufacturer of an election management system to comply with this section and related regulations. Venue for a proceeding under this section shall be exclusively in Sacramento County.

(e) This section applies to all elections.

AB 829

VOTE BY MAIL BALLOTS: SIGNATURE VERIFICATION

Assembly Bill 1135
Chapter 271

CURRENT PROVISIONS:

Existing law sets forth procedures for processing vote by mail ballots and requires that a county elections official, upon receiving a vote by mail ballot, compare the signature on the vote by mail ballot's identification envelope with the signature on the voter's affidavit of registration or the signature on the voter's application for a vote by mail ballot, as specified.

Sets forth procedures for voting by military or overseas voters, as defined, and permits a military or overseas voter to return his or her ballot by facsimile transmission, accompanied by an oath of voter declaration that includes the voter's signature.

Requires that a county elections official, upon receiving the ballot of a military or overseas voter returned by facsimile transmission, compare the signature

AB 1135

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on the oath of voter declaration with the signature on the voter's affidavit of registration.

NEW PROVISIONS:

Revises and recast these provisions and provides that a county elections official is permitted to compare the signature on the identification envelope with the signature appearing on a form issued by an elections official that contains the voter's signature, that is part of the voter's registration record, and that the elections official has determined meets specified criteria.

Provides that a county elections official is also permitted to compare the signature on the oath of voter declaration with the signature appearing on the form issued by the elections official that is described above.

SECTIONS AFFECTED:

Repeals Section 3019 of the Elections Code

Adds Elections Code 3019

(a) Upon receipt of a vote by mail ballot, the elections official shall compare the signature on the identification envelope with either of the following to determine whether the signatures compare:

(1) The signature appearing on the voter's affidavit of registration or any previous affidavit of registration of the voter.

(2) The signature appearing on a form issued by an elections official that contains the voter's signature, that is part of the voter's registration record, and that the elections official has determined compares with the signature on the voter's affidavit of registration or any previous affidavit of registration of the voter. The elections official may make this determination by reviewing a series of signatures appearing on official forms in the voter's registration record that have been determined to compare, that demonstrates the progression of the voter's signature, and makes evident that the signature on the identification envelope is that of the voter.

(b) In comparing signatures pursuant to subdivision (a), the elections official may use the duplicate file of affidavits of registered voters or facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with the law.

(c) (1) If upon conducting the comparison of signatures pursuant to subdivision (a) the elections official determines that the signatures compare, he or she shall deposit the ballot, still in the identification envelope, in a ballot container in his or her office.

AB 1135

(2) If upon conducting the comparison of signatures pursuant to subdivision (a) the elections official determines that the signatures do not compare, the identification envelope shall not be opened and the ballot shall not be counted. The cause of the rejection shall be written on the face of the identification envelope.

(d) The variation of a signature caused by the substitution of initials for the first or middle name, or both, shall not be grounds for the elections official to determine that the signatures do not compare.

(e) A ballot shall not be removed from its identification envelope until the time for processing ballots. A ballot shall not be rejected for cause after the identification envelope has been opened.

Amends Elections Code 3106

(c) Upon receipt of a ballot returned by facsimile transmission, the elections official shall determine the voter's eligibility to vote by comparing the signature on the return information with the signature on the voter's affidavit of registration. *registration or any signature permitted for comparison under Section 3019.* The ballot shall be duplicated and all materials preserved according to procedures set forth in this code.

ELECTION BALLOTS: IDENTICAL CANDIDATE NAMES

Assembly Bill 1316
Chapter 106

CURRENT PROVISIONS:
Existing provisions sets forth the procedures, requirements, and specifications relating to ballots used in all elections.

Authorizes a person who is a candidate for any office to file a statement with the county elections official attesting to his or her belief that some other person with a similar name that may be confused with his or her name has filed or will file a nomination paper for the same office and requesting that a number be printed with his or her name on the ballot as a distinguishing mark.

Sets forth the type and placement requirements with respect to the distinguishing mark.

AB 1135

AB 1316

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Requires the elections official to place a warning that there are candidates for the same office with identical names on the ballot, any sample ballot, ballot pamphlet, or other mailing sent by the official.

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.

NEW PROVISIONS:
Modifies the text of the statement contained within the candidate's request for a distinguishing mark next to his or her name on the ballot.

Introduces revised numerical specifications and procedures for the assignment of the distinguishing mark.

Requires the elections official to conduct a drawing of the numbers assigned to the candidates in a similar manner as provided for by existing law to determine the order on the ballot for candidates with similar names.

SECTION AFFECTED:

Amends Election Code 13118

The following rules apply ~~whenever any~~ *when a* person who is a candidate for any office believes that ~~some other~~ *another* person with a name that is so similar that it may be confused with his or her name has filed or will file a nomination paper for the same office:

(a)   The candidate may, at the time of filing his or her nomination paper, or within five days after the time for filing nomination papers has expired, file with the ~~county~~ elections official a statement that shall be in substance as follows:

"I ____, believe that ~~some other~~ *another* person, whose name is so similar to mine that it may be confused with mine, has filed or will file a nomination paper for the same office for which I have filed a nomination paper, and I therefore request and direct that ~~number ____ be printed with my name~~ *the elections official assign a number to each candidate with a similar name to be printed* on the ballot as a distinguishing mark.

_____   _____
                                          Name
                                          Candidate for the office
                                          of __

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(b)   The distinguishing mark shall be a ~~number and~~ number, *commencing with the number "1" and continuing in numerical sequence until each candidate with a similar name has been assigned a distinguishing number,* and shall be printed ~~in large boldface type~~ at the ~~left~~ *right* of the name on the ballot.

(c) ~~If two or more candidates for the same office designate the same distinguishing number, the~~ *The* first candidate who filed his or her nomination papers shall have the ~~number, and other candidates who designate the same number may file papers designating other distinguishing numbers.~~ *number "1" and each subsequent candidate, based on the time of filing his or her nomination papers, shall be assigned the next number in numerical sequence.*

(d)   In addition to the designated ~~number or~~ numbers that the ~~county~~ elections official shall place on the ballot when the above conditions are met, he or she shall place on the ballot, immediately ~~following the designation of the office and immediately~~ preceding the names of the candidates to be voted upon, the following ~~warning in boldface type:~~ *warning:*

"Warning! There are two (or applicable number) candidates for this office with identical names."

This warning shall also be included, in ~~boldface type and in~~ a prominent manner, on any sample ballot, ballot pamphlet, or other mailing sent by the ~~county~~ elections official, prior to the election, to persons eligible to vote for this office.

(e)   To determine the order on the ballot for the candidates with similar names, the elections official shall conduct a drawing of the numbers assigned to the candidates in a similar manner as provided for in Section 13112.

ELECTIONS

Assembly Bill 1417
Chapter 560

CURRENT PROVISIONS:
Existing law defines a "ballot marking system" as any mechanical, electromechanical, or electronic system and its software that is used for the sole purpose of marking a ballot for a special absentee voter, as specified.

Requires a county elections official to place a notice in any office within the county, as specified, to inform potential special absentee voters of their right to a vote by mail voter's ballot and where registration materials and application forms can be obtained.

Regulates the voting procedures for military or overseas voters and provides that a military or overseas voter has the right to register for, and to vote by a vote by mail ballot in, any election within the state.

Requires an elections official, not sooner than 60 days but not later than 45 days before an election or, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, to transmit a ballot and balloting materials to each military or overseas voter who by that date submits a valid ballot application.

Provides that a mistake or omission of a military or overseas voter in completing a document does not prevent determining whether the military or overseas voter is eligible to vote, the mistake or omission does not invalidate the document. The failure to satisfy a nonsubstantive requirement does not invalidate a document submitted by a military or overseas voter, and that notarization is not required for the execution of a document.

Permits any voter to apply for permanent absent voter status if the voter completes an application containing the required information in accordance with specified statutory provisions and establishes provisions applicable to absent voters and permanent absent voters.

Requires, upon receipt of an application for permanent vote by mail status, the county elections official to process the application in the same manner as an application for a vote by mail ballot, or, in the case of an application made pursuant to specified provisions of law, in the same manner as an application for a special absent voter ballot or overseas ballot.

Requires the Secretary of State, at least 5 days prior to sending county elections officials a certified list of candidates for each partisan office or voter-nominated office at a primary election, to notify each candidate for those offices of the names, addresses, offices, occupations, and party preferences of all other persons who have filed for the same office.

Authorizes a candidate to change his or her ballot designation at least 98 days prior to the general election, as specified.

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Establishes the procedures for nomination and election of candidates at a special election to fill vacancies in the House of Representatives caused by a catastrophe.

Requires a county elections official, under specified circumstances, to deliver vote by mail ballots requested pursuant to existing statutory provisions pertaining to military or overseas voters within 15 days, as specified.

Requires a vote by mail ballot cast pursuant to the provisions pertaining to military or overseas voters to be received by the elections official not later than 45 days after the date on which the ballot was transmitted to the voter.

Permits the Secretary of State to extend specified election deadlines for a reasonable period of time to facilitate the tabulating and processing of vote by mail ballots cast by military or overseas voters.

Requires the county elections official to prepare a list of candidates for presidential delegates for each political party, submit a copy of the list to the chairperson of the county central committee of the political party, and post a copy of the list in the elections official's office.

Requires an elections official to send to each voter, together with a sample ballot, a voter's pamphlet that contains the written statements of candidates for nonpartisan elective office in a local agency.

Authorizes local agencies to charge to the candidate in advance a fee to cover the costs of printing, handling, translating, and mailing the candidate statement.

Exempts indigent candidates from paying the fee in advance, but specifically provides that nothing prohibits an elections official from billing the candidate after the election.

Requires the Secretary of State to approve voting systems as meeting specified criteria.

Prohibits a jurisdiction purchasing or using a voting system that has not been approved by the secretary.

Authorizes the secretary to employ not more than 3 expert technicians to assist the secretary in examining voting systems that seek approval for use.

AB 1417

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NEW PROVISIONS:

Revises existing law that defines a "ballot marking system" as any mechanical, electromechanical, or electronic system and its software that is used for the sole purpose of marking a ballot for a special absentee voter, as specified and requires a county elections official to place a notice in any office within the county, as specified, to inform potential special absentee voters of their right to a vote by mail voter's ballot and where registration materials and application forms can be obtained, by replacing the references to a special absentee voter with a military or overseas voter.

Eliminates the requirement that, if the 45th day before the election is a weekend or holiday, the elections official transmit a ballot and balloting materials to the military or overseas voter not later than the business day preceding the 45th day.

Deletes provisions that provide if a mistake or omission of a military or overseas voter in completing a document does not prevent determining whether the military or overseas voter is eligible to vote, the mistake or omission does not invalidate the document, and that the failure to satisfy a nonsubstantive requirement does not invalidate a document submitted by a military or overseas voter, and that notarization is not required for the execution of a document.

Corrects erroneous cross-references pertaining to applications for permanent vote by mail status.

Requires the Secretary of State, not less than 73 days, and not more than 98 days, before a general election, to notify each candidate for a partisan office or voter-nominated office of the names, addresses, offices, ballot designation, and party preferences of all other persons whose names are to appear on the ballot for the same office at the general election.

Corrects erroneous statutory cross-references pertaining to vote by mail ballots cast by military or overseas voters.

Repeals the requirements that the county elections official has to prepare a list of candidates for presidential delegates for each political party, submit a copy of the list to the chairperson of the county central committee of the political party, and post a copy of the list in the elections official's office.

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Provides that nothing prohibits the local agency from billing the candidate after the election.

Removes the limitation on the number of technicians that the secretary may employ to assist in examining voting systems that seek approval for use.

Authorizes the secretary to employ technician firms to assist the secretary in examining voting systems. Provides that this provision becomes inoperative if Senate Bill 360 and this bill are both chaptered and become effective January 1, 2014.

SECTIONS AFFECTED:

Amends Elections Code 303.3
"Ballot marking system" means ~~any~~ *a* mechanical, electromechanical, or electronic system and its software that is used for the sole purpose of marking a ballot for a ~~special absentee~~ *military or overseas* voter and is not connected to a voting system at any time.

Amends Elections Code 3004
~~The~~ *A* county elections official shall place a notice in ~~any~~ *an* office within the county where applications are taken for federal passports or where military enlistments are received to inform potential ~~special absentee~~ *military or overseas* voters of their right to a vote by mail voter's ballot and where *to obtain* registration materials and application ~~forms can be obtained.~~ *forms.*

Amends Elections Code 3114
(a) For an election for which this state has not received a waiver pursuant to the Military and Overseas Voter Empowerment Act (42 U.S.C. Sec. 1973ff et seq.), not sooner than 60 days but not later than 45 days before the ~~election or, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, the~~ *election, the* elections official shall transmit a ballot and balloting materials to each military or overseas voter who by that date submits a valid *ballot* application pursuant to Section 3102.
(b) If a *valid* ballot application from a military or overseas voter arrives after the 45th day before the election, the elections official charged with distributing a ballot and balloting materials to that voter shall transmit them to the voter as soon as practicable after the application arrives.

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Amends Elections Code 3122

(a) If a military or overseas voter's mistake or omission in the completion of a document under this chapter does not prevent determining whether a military or overseas voter is eligible to vote, the mistake or omission does not invalidate the document. ~~Failure to satisfy a nonsubstantive requirement, such as using paper or envelopes of a specified size or weight, does not invalidate a document submitted under this chapter.~~ In a write-in ballot authorized by this chapter, if the intention of the voter is discernible under this state's uniform definition of what constitutes a vote and the ballot is eligible to be counted pursuant to Sections 3019 and 3106, an abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be accepted as a valid vote.

(b) ~~Notarization is not required for the execution of a document under this chapter.~~ An authentication, other than the declaration specified in Section ~~3106, 3117,~~ *3106* or 3118 or the declaration on the federal postcard application and federal write-in absentee ballot, is not required for execution of a document under this chapter. The declaration and any information in the declaration may be compared with information on file to ascertain the validity of the document.

Amends Elections Code 3201

Any voter may apply for permanent vote by mail status. Application for permanent vote by mail status shall be made in accordance with Section ~~3001, 3100,~~ *3001* or ~~3304.~~ *3102.* The voter shall complete an application, which shall be available from the county elections official, and which shall contain all of the following:

(a) The applicant's name at length.

(b) The applicant's residence address.

(c) The address where the ballot is to be mailed, if different from the place of residence.

(d) The signature of the applicant.

Amends Elections Code 3203

(a) Upon receipt of an application for permanent vote by mail status, the county elections official shall process the application in the same manner as an application for a vote by mail ballot, or, in the case of an application made pursuant to Section ~~3100 or 3304,~~ *3102,* in the same manner as an application for a special absent voter ballot or overseas ballot.

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Adds Elections Code 8147.5

Not less than 73 days, and not more than 90 days, before the general election, the Secretary of State shall notify each candidate for partisan office and voter-nominated office of the names, addresses, offices, ballot designations, and party preferences of all other persons whose names are to appear on the ballot for the same office at the general election.

Amends Elections Code 10735

(a) (1) In the case of a special election due to a catastrophe that causes a vacancy in at least 101 offices of the United States House of Representatives, the county elections official shall, to the greatest extent practicable, deliver vote by mail ballots requested pursuant to Chapter 4 *2* (commencing with Section 3300) *3101)* of Division 3 not later than 15 days after the date on which the Speaker of the United States House of Representatives announces the vacancy.

(2) In the case of a special election due to a catastrophe that causes a vacancy in at least one-fourth of the total offices of the United States House of Representatives representing California but not a vacancy in at least 101 of the offices of the United States House of Representatives, the county elections official shall, to the greatest extent practicable, deliver vote by mail ballots requested pursuant to Chapter 4 *2* (commencing with Section 3300) *3101)* of Division 3 not later than 15 days after the date on which the Governor issues the proclamation calling the election to fill the vacancy.

(b) A vote by mail ballot cast pursuant to Chapter 4 *2* (commencing with Section 3300) *3101)* of Division 3 in a special general election conducted pursuant to this chapter shall be postmarked not later than the date of the election, shall be received by the county elections official not later than 45 days after the date on which the elections official transmitted the ballot to the voter, and shall comply with all other relevant requirements of this code.

(c) Notwithstanding any other provision of law, any deadlines relating to canvassing, announcement of election results, or certification of election results may be extended for a reasonable period of time to facilitate the tabulating and processing of ballots cast pursuant to Chapter 4 *2* (commencing with Section 3300) *3101)* of Division 3. An extension of a deadline pursuant to this section must be authorized by the Secretary of State.

Repeals Elections Code 13301

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*Full text can be obtained from www.leginfo.ca.gov

Amends Elections Code 13306

Notwithstanding Sections 13300, ~~13301,~~ 13303, and 13307, sample ballots and candidates' statements need not be mailed to voters who registered after the 54th day before an election, but all of these voters shall receive polling place notices and state ballot pamphlets. A state ballot pamphlet is not required to be mailed to a voter who registered after the 29th day prior to an election. Each of these voters shall receive a notice in bold print that states: "Because you are a late registrant, you are not receiving a sample ballot or candidates' statements."

Amends Elections Code 13309

(f) Nothing in this section shall prohibit the ~~elections official~~ *local agency* from billing the candidate his or her actual pro rata share of the cost after the election.

SEC. 12.
Amends Elections Code 19206

For the purpose of assistance in examining a voting ~~system~~ *system,* the Secretary of State may employ ~~not more than three~~ expert electronic technicians *or technician firms* at a cost to be set by the Secretary of State. The compensation of the electronic technicians *or technician firms* shall be paid by the person or corporation submitting the machine or device.

SEC. 13.
Section 12 of this bill shall become inoperative if (1) this bill and Senate Bill 360 are both enacted and become effective on or before January 1, 2014, and (2) Senate Bill 360 repeals and adds Section 19206 to the Elections Code.

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POLITICAL REFORM ACT OF 1974: OMNIBUS BILL

Assembly Bill 1418
Chapter 654

CURRENT PROVISIONS:
The Political Reform Act of 1974 requires each campaign committee, as specified, to file a statement of organization. For a campaign committee that does not support or oppose one or more candidates or ballot measures as its primary activity, the statement of organization must include, among other things, a brief description of the committee's political activities, including whether it supports or opposes candidates or measures and whether such

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candidates or measures have common characteristics, such as a political party affiliation.

Requires a committee that is controlled by a candidate for partisan office to provide a statement indicating the political party with which the candidate is affiliated.

Provides that any report or statement filed pursuant to the act is a public record that must be open for public inspection and copying, as specified.

Requires that campaign statements filed pursuant to the act made available on the Internet by the Secretary of State.

Requires that the statements be open for public inspection and reproduction on the Saturday preceding a statewide primary or statewide general election at specified locations.

Establishes the Fair Political Practices Commission and authorizes the Commission to appoint officers, counsel, and employees consistent with applicable civil service laws.

Provides that a nonclerical position under the Commission shall not be included in the same class in the civil service classification plan with any position of any other department or agency.

NEW PROVISIONS:
Changes the requirement that a campaign committee that does not support or oppose one or more candidates or ballot measures as its primary activity include in the description of the committee's political activities the common characteristics of candidates or measures it supports or opposes, such as a political party affiliation, to instead require that the description of the committee's political activities include common characteristics of candidates or measures, such as a political party preference.

Requires a committee that is controlled by a candidate for partisan office or voter-nominated office to provide a statement indicating the political party for which the candidate has disclosed a preference.

Repeals the requirement that campaign statements be open for public inspection and reproduction on the Saturday preceding a statewide primary or statewide general election at the specified locations.

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Makes technical, nonsubstantive changes to the provisions that the act establishes the Fair Political Practices Commission and authorizes the Commission to appoint officers, counsel, and employees consistent with applicable civil service laws, and that a nonclerical position under the Commission shall not be included in the same class in the civil service classification plan with any position of any other department or agency.

SECTIONS AFFECTED:

Amends Government Code 81008

~~(a)~~ Every report and statement filed pursuant to this title is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practicable, but in any event not later than the second business day following the day on which it was received. No conditions whatsoever shall be imposed upon persons desiring to inspect or reproduce reports and statements filed under this title, nor shall any information or identification be required from these persons. Copies shall be provided at a charge not to exceed ten cents ($0.10) per page. In addition, the filing officer may charge a retrieval fee not to exceed five dollars ($5) per request for copies of reports and statements which are five or more years old. A request for more than one report or statement or report and statement at the same time shall be considered a single request.

~~(b) Campaign statements shall be open for public inspection and reproduction from 9:00 a.m. to 5:00 p.m. on the Saturday preceding a statewide primary or statewide general election in the offices of the Secretary of State, Registrar-Recorder of Los Angeles County, Registrar of Voters of San Diego County, and Registrar of Voters of the City and County of San Francisco.~~

Amends Government Code 83109

For purposes of Section ~~18801 of the Government Code, no non-clerical~~ *19818.6, a nonclerical* position under the Commission shall *not* be included in the same class in the civil service classification plan with any position of any other department or agency.

Amends Government Code 84102

(c) The full name, street address, and telephone number, if any, of the treasurer and any other principal officers. ~~A committee with more than one principal officer shall identify its principal officers as follows:~~

(1) A committee with more than one principal officer shall identify its principal officers as follows:

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(1) *(A)* A committee with three or fewer principal officers shall identify all principal officers.

(2) *(B)* A committee with more than three principal officers shall identify no fewer than three principal officers.

(2) If no individual other than the treasurer is a principal officer, the treasurer shall be identified as both the treasurer and the principal officer.

(d) The full name and office sought by ~~any~~ *a* candidate, and the title and ballot number, if any, of any measure, that the committee supports or opposes as its primary activity. A committee that does not support or oppose one or more candidates or ballot measures as its primary activity shall provide a brief description of its political activities, including whether it supports or opposes candidates or measures and whether such candidates or measures have common characteristics, such as a political party ~~affiliation.~~ *preference.*

(e) A statement whether the committee is independent or controlled and, if it is controlled, the name of each candidate or state measure proponent by which it is controlled, or the name of any controlled committee with which it acts jointly. If a committee is controlled by a candidate for partisan *or voter-nominated* office, the controlled committee shall indicate the political party, if any, ~~with~~ *for* which the candidate ~~is affiliated.~~ *has disclosed a preference.*

(f) For a committee that is a committee by virtue of subdivision (a) or (b) of Section 82013, the name and address of the financial institution ~~where~~ *in which* the committee has established an account and the account number.

(g) ~~Such other~~ *Other* information as shall be required by the rules or regulations of the Commission consistent with the purposes and provisions of this chapter.

SEC. 4. The Legislature finds and declares that this bill furthers the purposes of the Political Reform Act of 1974 within the meaning of subdivision (a) of Section 81012 of the Government Code.

PRESIDENTIAL GENERAL ELECTIONS: PARTY QUALIFICATIONS

Assembly Bill 1419
Chaptered 511

CURRENT PROVISIONS:

Existing law establishes qualifications that a new political party must satisfy in order to participate in a primary election.

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*Full text can be obtained from www.leginfo.ca.gov

Provides that a new party qualifies to participate in a primary election if, on or before the 135th day before the primary election, it appears to the Secretary of State, after examining the statement of voters transmitted by county elections officials, that at least 1% of the entire vote of the state at the preceding gubernatorial election has declared an intention to affiliate with the party or if a petition to participate in the primary election is filed with the Secretary of State, signed by voters numbering at least 10% of the entire vote of the state at the preceding gubernatorial election declaring that they represent the proposed party and desire to participate in the primary election.

Provides that a political party must participate in the primary election in order for a candidate for partisan office to have his or her name appear on the general election ballot with that party's designation.

Requires each county elections official to send the Secretary of State, at prescribed times, a summary of the statement of the number of voters in the county, including the number registered as affiliated with each qualified or nonqualified party.

NEW PROVISIONS:
Establishes requirements for a political body that did not qualify to participate in a presidential primary election but nevertheless seeks to participate in the presidential general election following that primary election, including having candidates for President and Vice President of the United States nominated by the party appear on the presidential general election ballot.

Provides that a new party is qualified to participate in a presidential general election if it is able to satisfy the above-mentioned voter registration or petition signature requirements on or before the 102nd day or the 135th day, as specified, preceding the general election.

Requires each county elections official to send the Secretary of State an additional summary statement of the voters in the county not less than 102 days prior to the presidential general election, with respect to voters registered before the 123rd day before the presidential general election.

Make conforming changes.

*Full text can be obtained from www.leginfo.ca.gov

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SECTIONS AFFECTED:

SECTION 1.
It is the intent of the Legislature in enacting this act to comply with the holding of the United States District Court for the Central District of California in California Justice Committee v. Bowen (C.D. Cal. Oct. 18, 2012) No. CV 12-3956 PA (AGRx), by requiring county elections officials to send to the Secretary of State an additional summary statement of the voters in the county in order to allow the Secretary of State to determine which political parties are qualified to participate in each presidential general election.

Amends Elections Code 338
"Party" means a political party or organization that has qualified for participation in any primary *or presidential general* election.

Amends Elections Code 2187
(c) Each county that uses ~~data processing~~ *data-processing* equipment to store the information set forth in the affidavit of registration shall send to the Secretary of State one copy of the ~~magnetic tape~~ *electronic data* file with the information requested by the Secretary of State. Each county that does not use ~~data processing~~ *data-processing* storage shall send to the Secretary of State one copy of the index setting forth that information.

(d) The summary statements and the ~~magnetic tape~~ *electronic data* file copy or the index shall be sent at the following times:

(3) Not less than ~~7~~ *seven* days prior to the primary election, with respect to voters registered before the 14th day prior to the primary election.

(4) Not less than 102 days prior to each presidential general election, with respect to voters registered before the 123rd day before the presidential general election.

~~(4)~~ *(5)* Not less than 50 days prior to the general election, with respect to voters registered on the 60th day before the general election.

~~(5)~~ *(6)* Not less than ~~7~~ *seven* days prior to the general election, with respect to voters registered before the 14th day prior to the general election.

~~(6)~~ *(7)* On or before March 1 of each odd-numbered year, with respect to voters registered as of February 10.

(e) The Secretary of State may adopt regulations prescribing the content and format of the ~~magnetic tape~~ *electronic data* file or index referred to in subdivision (c) and containing the registered voter information from the affidavits of registration.

(g) The Secretary of State shall make the information from the ~~magnetic tape~~ *electronic data* files or the printed indexes available, under conditions

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prescribed by the Secretary of State, to any candidate for federal, state, or local office, to any committee for or against any proposed ballot measure, to any committee for or against any initiative or referendum measure for which legal publication is made, and to any person for election, scholarly or political research, or governmental purposes as determined by the Secretary of State.

(h) For purposes of this section, "electronic data file" means either a magnetic tape or a data file in an alternative electronic format, at the discretion of the county elections official.

Amends Elections Code 5001

Whenever a group of electors desires to qualify a new political party meeting the requirements of Section ~~5100,~~ *5100 or 5151,* that group shall form a political body by:

(b) Filing formal notice with the Secretary of State that the political body has organized, elected temporary officers, and declared an intent to qualify a political party pursuant to ~~Section 5100.~~ *either Section 5100 or Section 5151, but not both.* The notice shall include the names and addresses of the temporary officers of the political body.

Amends Elections Code 5002

Upon receipt of the notice specified in Section 5001, the Secretary of State shall notify each county elections official of the name of the political ~~body and~~ *body,* its intent to qualify as a political ~~party.~~ *party, and whether it intends to qualify for the next primary election or for the next presidential general election.*

In preparing the statement of voters and their political affiliations, the county elections officials shall tabulate by political affiliation the affidavits of registration of members of political parties qualified pursuant to Section ~~5100,~~ *5100 or 5151,* and political bodies formally declaring an intent to qualify as political parties pursuant to Section 5001. All other affidavits of registration, except those of persons declining to state a political affiliation, shall be tabulated as miscellaneous registrations.

Amends Elections Code 5004

(a) If by the 135th day before any primary election, a political body filing notice *of its intent to qualify for a primary election* pursuant to Section 5001 has not qualified as a political party pursuant to Section 5100, the political body shall be considered to have abandoned its attempt to qualify as a political party and shall be ineligible to participate in the following ~~primary~~ *primary election.*

*Full text can be obtained from www.leginfo.ca.gov

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(b) If by the 102nd day before a presidential general election, a political body filing notice of its intent to qualify for a presidential general election pursuant to Section 5001 has not qualified as a political party pursuant to Section 5151, the political body shall be considered to have abandoned its attempt to qualify as a political party and shall be ineligible to participate in the following presidential general election.

Amends Elections Code 5005

(a) Until otherwise provided for by statute, a political party newly qualified pursuant to Section 5100 shall carry on its activities in accordance with procedures applicable to any other political party that has detailed statutory provisions applicable to its operation as shall be designated by the newly qualified party. The temporary officers of the newly qualified political party elected pursuant to Section 5001 shall file notice of its selection with the Secretary of State not later than 30 days after the political party qualifies.

(b) Until otherwise provided for by statute, a political party newly qualified pursuant to Section 5151 shall carry on its activities in accordance with procedures applicable to any other political party that has detailed statutory provisions applicable to its operation as shall be designated by the newly qualified party, except that the newly qualified party shall not be required to use a primary election to nominate candidates for the offices of President and Vice President of the United States prior to the presidential general election at which the party qualifies to participate, whose names shall appear on the presidential general election ballot. The temporary officers of the newly qualified political party elected pursuant to Section 5001 shall file notice of its selection with the Secretary of State not later than 30 days after the political party qualifies.

Adds Elections Code 5150

This chapter applies to a political body that did not qualify to participate in a presidential primary election pursuant to Section 5100 but nevertheless seeks qualification to participate in the following presidential general election through the nomination of candidates for President and Vice President of the United States by nominating convention, or some means other than a primary election, to appear on the ballot at the presidential general election. For purposes of this chapter, participating in a presidential general election does not include using the general election ballot for the purpose of electing state party or county central committee officers.

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Adds Elections Code 5151

A party is qualified to participate in a presidential general election under any of the following conditions:

(a) If the party qualified to participate and participated in the presidential primary election preceding the presidential general election pursuant to Section 5100.

(b) If at the last preceding gubernatorial election there was polled for any one of its candidates for any office voted on throughout the state at least 2 percent of the entire vote of the state.

(c) If on or before the 102nd day before a presidential general election, it appears to the Secretary of State, as a result of examining and totaling the statement of voters and their political affiliations transmitted to him or her by the county elections officials, that voters equal in number to at least 1 percent of the entire vote of the state at the last preceding gubernatorial election have declared their intention to affiliate with that party.

(d) If on or before the 135th day before a presidential general election, there is filed with the Secretary of State a petition signed by voters, equal in number to at least 10 percent of the entire vote of the state at the last preceding gubernatorial election, declaring that they represent a proposed party, the name of which shall be stated in the petition, which proposed party those voters desire to have participate in that presidential general election. This petition shall be circulated, signed, and verified and the signatures of the voters on it shall be certified to and transmitted to the Secretary of State by the county elections officials substantially as provided for initiative petitions. Each page of the petition shall bear a caption in 18-point boldface type, which caption shall be the name of the proposed party followed by the words "Petition to participate in the presidential general election."

Adds Elections Code 5152

(a) Upon the occurrence of the gubernatorial election, each party shall have its qualifications reviewed by the Secretary of State. A party that does not meet the standards for qualification set forth in Section 5151 shall be prohibited from participating in the presidential general election. A party shall maintain its qualification to participate in any subsequent presidential general election by complying with any of the conditions specified in Section 5151.

(b) A party seeking qualification under provisions of this section and subdivision (c) or (d) of Section 5151 shall file formal notice with the Secretary of State that the party intends to regain qualification.

(c) Unless formal notice as required in subdivision (b) is timely received by the Secretary of State, he or she may have the name of the party omitted from any list, notice, ballot, or other publication containing the names of the

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parties qualified or seeking qualification that the Secretary of State may cause to be printed or published.

(d) For purposes of subdivision (b) of Section 8001, this section shall only be applicable to a party that has successfully obtained that status for the first time after having been a political body, and shall not apply to a political party that has been disqualified.

Adds Elections Code 5153

Whenever the registration of any party that qualified in the previous general election falls below one-fifteenth of 1 percent of the total state registration, that party shall not be qualified to participate in a presidential general election but shall be deemed to have been abandoned by the voters. The Secretary of State shall immediately remove the name of the party from any list, notice, ballot, or other publication containing the names of the parties qualified to participate in a presidential general election.

Adds Elections Code 5154

No party shall be recognized or qualified to participate in a presidential general election that either directly or indirectly carries on, advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or that directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition or treason against, the government of the United States or of this state.

Amends Elections Code 5200

(a) Not less than 123 days before a primary *or presidential general* election, the Secretary of State shall, with the advice and consent of the Attorney General, determine which parties are disqualified to participate in any primary election under Section ~~5102.~~ *5102 or a presidential general election under Section 5154.* If it is proposed to disqualify a party that was qualified to participate in the next preceding direct primary, notice of intention to disqualify shall be served by registered mail on the chairperson of the state central committee of the party, as shown by the records of the Secretary of State. In any event, notice of intention to disqualify shall be given in each county of the state by publication pursuant to Section 6061 of the Government Code. If there is no newspaper of general circulation printed and published in any county, publication shall be made in a newspaper of general circulation printed and published in an adjoining county.

(b) If the party desires a hearing on the notice of intention to disqualify, it shall, within 10 days after service by mail or within 10 days after the last date upon which the notice was published in any county, whichever is later, file an

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affidavit in the Supreme Court ~~under~~ *pursuant to* Section 13314 setting forth facts showing that the political party is not disqualified to participate in any primary election under Section ~~5102.~~ *5102 or a presidential general election under Section 5154.* If the party does not file the affidavit within the time specified, the notice of intention to disqualify shall constitute final disqualification. Before the affidavit is filed, a copy shall be personally served on the Secretary of State. When filed, the matter shall be set for return in not more than 10 days and shall have priority over any other pending cases.

(c) In connection with proceedings in the Supreme Court under this section, the Legislature hereby declares its intent to create a speedy and expeditious method for judicial determination of the vital questions involved, and urges the Supreme Court to accept jurisdiction in any such proceeding. The Legislature further urges that the court instruct any referee before whom the taking of evidence is ordered to report back to the court in sufficient time so that the court's final order may be made effective on or before the 80th day before the primary *or presidential general* election.

Amends Elections Code 8001

(b) The elections official shall attach a certificate to the declaration of candidacy showing the date on which the candidate registered as intending to affiliate with the political party the nomination of which he or she seeks, and indicating that the candidate has not been affiliated with any other qualified political party for the period specified in subdivision (a) immediately preceding the filing of the declaration. This section ~~shall~~ *does* not apply to ~~declarations~~ *a declaration* of candidacy filed by a candidate of a political party participating in its first direct primary election subsequent to its qualification as a political party pursuant to Section ~~5100.~~ *5100 or by a candidate of a political party participating in its first presidential general election subsequent to its qualification as a political party pursuant to Section 5151.*

Amends Government Code 85205

"Political party committee" means the state central committee or county central committee of an organization that meets the requirements for recognition as a political party pursuant to Section 5100 *or 5151* of the Elections Code.

STATE INTERNET WEB SITES: ONLINE VOTER REGISTRATION

Senate Bill 44
Chapter 277

SB 44

CURRENT PROVISIONS:
Existing law provides for voter registration electronically on the Internet Web site of the Secretary of State 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 or executes a declaration stating that certain specified conditions have occurred, provides for voter registration electronically on the Internet Web site of the Secretary of State.

NEW PROVISIONS:
Requires each Internet Web site maintained by the state to include a hyperlink on the site's homepage to the online voter registration page of the Internet Web site of the Secretary of State.

SECTION AFFECTED:

Adds Elections Code 2198
Each Internet Web site maintained by the state shall include a hyperlink on the site's homepage to the online voter registration page of the Internet Web site of the Secretary of State.

ELECTIONS: VOTER SIGNATURE

Senate Bill 111
Chapter 151

CURRENT PROVISIONS:
Existing law authorizes certain persons to use a signature stamp to affix a signature to various elections documents.

SB 111

Prohibits a voter from using a signature stamp until the signature stamp is used by the voter to sign an affidavit of registration in the presence of a county elections official.

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Requires the Department of Motor Vehicles and the Secretary of State to develop a process and infrastructure to allow the electronic copy of a person's signature and other information to be transferred to the Secretary of State for the purpose of allowing a person to register to vote electronically on the Secretary of State's Internet Web site.

NEW PROVISIONS:
Authorizes certain registered voters to use a signature stamp if the voter submits an affidavit of registration electronically utilizing a signature stamp that has been approved by the Department of Motor Vehicles and transmitted to the Secretary of State.

SECTION AFFECTED:

Amends Elections Code 354.5
(e) A registered voter or any person who is eligible to vote, who qualifies as an authorized user pursuant to paragraph (1) of subdivision ~~(g),~~ *(f),* may use a signature stamp only after he or she first submits his or her affidavit of registration or a new affidavit of ~~registration, whichever is applicable, in the presence of a county elections official, using the signature stamp to sign the affidavit.~~ *registration by one of the following means:*
   (1) Using the signature stamp to sign the affidavit in the presence of a county elections official.
   ~~(f)~~ *(2)* ~~The Secretary of State shall report to the Legislature not later than January 1, 2009, regarding the use of signature stamps during the 2008 elections.~~ *Submitting an affidavit pursuant to Section 2196 that utilizes a signature stamp that has been approved by the Department of Motor Vehicles and transmitted to the Secretary of State.*
   ~~(g)~~ *(f)* The following definitions apply for purposes of this section:
   (1) "Authorized user" means either of the following:
   (A) A person with a disability who, by reason of that disability, is unable to write and who owns a signature stamp.
   (B) A person using the signature stamp on behalf of the owner of the stamp with the owner's express consent and in the presence of the owner.
   (2) "Disability" means a medical condition, mental disability, or physical disability, as those terms are defined in subdivisions (i), (j), and (l) of Section 12926 of the Government Code.
   (3) "Signature stamp" means a stamp that contains the impression of any of the following:
   (A) The actual signature of a person with a disability.
   (B) A mark or symbol that is adopted by the person with the disability.

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SB 111

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(C) A signature of the name of a person with a disability that is made by another person and is adopted by the person with the disability.

VOTER INFORMATION: PUBLIC EXAMINATION

SB 112

Senate Bill 112
Chapter 118

CURRENT PROVISIONS:
Existing law sets forth the requirements and procedures for handling the voter registration card and for the specific voter information that is contained therein.

Provides that the home address, telephone number, e-mail address, precinct number or other specified number, and prior registration information shown on the voter registration card for all registered voters are confidential and prohibits the disclosure of that information to any person, except as specified.

NEW PROVISIONS:
Requires that the above-referenced voter registration card information that is in existence 100 years after the creation of the record be available to the public.

Provides that if the records are contained in the great registers of voters and the bound register contains information covering more than one year, public availability of the records is prohibited until the entire contents of the register have been recorded for at least 100 years.

Makes a conforming change to existing law.

SECTIONS AFFECTED:

Amends Elections Code 2194
   (a)   ~~The~~ *Except as provided in Section 2194.1, the* voter registration card information identified in ~~subdivision (a) of~~ Section 6254.4 of the Government Code:
   (b)   (1)   Notwithstanding any other provision of law, the California driver's license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on a voter registration card of a registered voter, or added to voter registration records to comply

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with the requirements of the _federal_ Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.), are confidential and shall not be disclosed to any person.

Adds Elections Code 2194.1
Any voter registration card information identified in Section 6254.4 of the Government Code in existence 100 years after the creation of the record shall be available to the public. If records are contained in the great registers of voters and the bound register contains information covering more than one year, the records shall not be available to the public until the entire contents of the register have been recorded for at least 100 years.

ELECTION PETITIONS: CIRCULATORS

Senate Bill 213
Chapter 278

CURRENT PROVISIONS:
Existing law prohibits the circulation of initiative, referendum, and recall petitions and nominating papers by a person who is not a resident of the state.

NEW PROVISIONS:
Removes current prohibition and makes conforming changes to various provisions of existing law.

SECTIONS AFFECTED:

Amends Elections Code 102
A person ~~who is a voter or who is qualified to register to vote in this state may circulate an initiative or referendum petition in accordance with this code. A person who is a voter may circulate a recall petition in accordance with this code.~~ _shall not circulate a state or local initiative, referendum, or recall petition or nominating paper unless the person is 18 years of age or older._

Amends Elections Code 104
(b) (3) That the circulator is 18 years of age or older.

Amends Elections Code 6106

Each section shall be prepared with the lines for signatures numbered, and shall have attached the affidavit of the circulator who obtained signatures to it, ~~stating that all the signatures to the attached section were made in his or her presence, and that to the best of his or her knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be.~~ *which shall meet all of the requirements of Section 104.* No other affidavit is required. The affidavit of any circulator shall be verified free of charge by any officer authorized to administer oaths.

Amends Elections Code 6108

The nomination paper for the presidential primary ballot shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF A PRESIDENTIAL CANDIDATE OR UNCOMMITTED DELEGATE
Section _____Page _____

County of _____. Nomination paper of a candidate or uncommitted delegation for the presidential primary ballot.

State of California   }   ss.
County of

SIGNER'S STATEMENT
 I, the undersigned, am a voter of the County of ____, State of California, and am registered as affiliated with the Democratic Party. I hereby nominate ____ for the presidential primary to be held on the ____ day of ____, 20__. I have not signed the nomination paper of any other candidate or uncommitted delegation, and I further declare that I intend to support the candidate or uncommitted delegation named herein.

Number _____ Signature _____ Printed name _____ Residence

1.
2.
3.
etc.

CIRCULATOR'S AFFIDAVIT

Changes in or additions to text are shown by underlined *italics*, deletions by ~~strikeouts~~, and new law text is shown *italicized* with no underlining.

*Full text can be obtained from www.leginfo.ca.gov

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I, _____, solemnly swear (or affirm) all of the following:
1.That I am 18 years of age or older.
2.That my residence address, including street and number, is
.
[If no street or number exists, a designation of my residence adequate to
readily   ascertain   its   location   is

I, *3.* _____, ~~solemnly swear (or affirm) that~~ *That* I secured signatures
in the County of _____ to the nomination paper of a candidate or
uncommitted delegation for the presidential primary ballot named in the
signer's statement above; that all the signatures on this section of the
nomination paper numbered from 1 to ___, inclusive, were made in my
presence, and that to the best of my knowledge and belief each signature is
the genuine signature of the person whose name it purports to be. The
signatures were obtained between _____, 20___, and
_____, 20____.

(Signed) _____ Circulator _____

Subscribed and sworn to before me this ____ day of ____, 20____.

(SEAL)   _____ Notary Public (or other official) _____

Amends Elections Code 6363
Each section shall be prepared with the lines for signatures numbered,
and shall have attached the affidavit of the circulator who obtained signatures
to it, ~~stating that all the signatures to the attached section were made in his or~~
~~her presence, and that to the best of his or her knowledge and belief each~~
~~signature to the section is the genuine signature of the person whose name it~~
~~purports to be.~~ *which shall meet all of the requirements of Section 104.* No
other affidavit is required. The affidavit of any circulator shall be verified free
of charge by any officer authorized to administer oaths.

Amends Elections Code 6365
The nomination paper for a candidate shall be in substantially the following
form:
SECTION OF NOMINATION PAPER SIGNED BY VOTER ON
BEHALF OF CANDIDATE

Section _____Page _____

County of _____. Nomination paper for _____ as presidential nominee of the Republican Party.

State of California   } ss.
County of

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as intending to affiliate with the Republican Party. I have not signed the nomination paper of any other candidates for the same office, and further declare that I intend to support the nomination of the candidate named herein at the Republican Party presidential primary to be held on the _____ day of _____, 20 ____.

Number _____ Signature _____ Printed name _____ Residence
1.
2.
3.
etc.

CIRCULATOR'S AFFIDAVIT

I, _____, solemnly swear (or affirm) all of the following:
1.That I am 18 years of age or older.
2.That my residence address, including street and number, is
.
[If no street or number exists, a designation of my residence adequate to readily ascertain its location is
.]
~~I, 3.~~ *3.* ~~_____, solemnly swear (or affirm) that~~ *That* I secured signatures in the County of _____ to the nomination paper of the candidate named in the signer's statement above as candidate for nomination by the Republican Party at its presidential primary election; that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, that the signatures were obtained between
_____, ~~20~~ *20__*, and _____, 20__, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

(Signed) _____ Circulator _____

Changes in or additions to text are shown by underlined *italics*, deletions by ~~strikeouts~~, and new law text is shown *italicized* with no underlining.

*Full text can be obtained from www.leginfo.ca.gov

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Subscribed and sworn to before me this _____ day of
_____, 20 ____.
(SEAL) Notary Public (or other official)

Amends Elections Code 6584
Each section shall be prepared with the lines for signatures numbered, and shall have attached the affidavit of the circulator who obtained signatures to it, ~~stating, under penalty of perjury, that all the signatures to the attached section were made in his or her presence, and that to the best of his or her knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be.~~ _which shall meet all of the requirements of Section 104._ No other affidavit is required.

Amends Elections Code 6586
The nomination paper for a candidate for the presidential preference portion of the ballot shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF PRESIDENTIAL PREFERENCE PRIMARY CANDIDATE

Section _____Page _____

County of _____. Nomination paper of a presidential preference candidate for the American Independent Party presidential primary ballot.

State of California   }   ss.
County of   ∫

SIGNER'S STATEMENT
I, the undersigned, am a voter of the County of _____, State of California, and am registered as intending to affiliate with the American Independent Party. I hereby nominate _____ for the presidential preference portion of the American Independent Party's presidential primary ballot, to be voted for at the presidential primary to be held on the _____ day of _____, 20____. I have not signed the nomination paper of any other candidate for the same office, or for any group of delegates, to the national convention of the party, and I further declare that I intend to support the candidate named herein.

Number _____ Signature ___ Printed _____ Residence

Changes in or additions to text are shown by underlined _italics_, deletions by ~~strikeouts~~, and new law text is shown _italicized_ with no underlining.

*Full text can be obtained from www.leginfo.ca.gov

1.
2.
3.
etc.

~~CIRCULATOR'S AFFIDAVIT~~

~~I, _____, solemnly swear (or affirm) that I secured signatures in the County of _____ to the nomination paper of a candidate in the presidential preference primary of the American Independent Party; that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, that the signatures were obtained between _____, 20_, and _____, 20_, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be. I declare under penalty of perjury that the foregoing is true and correct.~~

CIRCULATOR'S AFFIDAVIT

I,_____ , solemnly swear (or affirm) all of the following:
1. That I am 18 years of age or older.
2. That my residence address, including street and number, is ___.
[If no street or number exists, a designation of my residence adequate to readily ascertain its location is ___.]
3. That I secured signatures in the County of _____ to the nomination paper of a candidate in the presidential preference primary of the American Independent Party; that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, that the signatures were obtained between _____, 20_, and _____, 20_, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be. I declare under penalty of perjury that the foregoing is true and correct.

(Signed) _____ Circulator

Amends Elections Code 6587

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The nomination paper for a group of candidates for delegates, to the national convention shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF GROUP OF CANDIDATES FOR DELEGATES TO NATIONAL CONVENTION

Section _____Page _____
County of _____. Nomination paper of group of candidates for election as delegates by the American Independent Party pledged to the candidacy of _____ as presidential nominee or expressing no preference, as the case may be.

State of California   ⎫
County of   ⎰   ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as intending to affiliate with the American Independent Party. I hereby nominate the following:

Number _____ Names _____ Residence _____ County
                                    City or town
1.
2.
3.
etc.

(to such number as may be required) etc., as candidates for delegates to the American Independent Party's National Convention, to be voted for at the presidential primary to be held on the _____ day of _____, 20_____. I have not signed the nomination paper of any other candidates for the same office, or of any candidate for the presidential preference portion of the primary ballot, and I further declare that I intend to support for nomination the candidates named herein.

Number _____ Signature _____ Printed name _____ Residence

1.
2.

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3.
etc.

~~CIRCULATOR'S AFFIDAVIT~~

~~I, _____, solemnly swear (or affirm) that I secured signatures in the County of _____ to the nomination paper of the group of candidates named in the signer's statement above as candidates for nomination and election by the American Independent Party as delegates to represent the State of California in the party's next national convention; that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, that the signatures were obtained between _____, 20_, and _____, 20_, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be. I declare under penalty of perjury that the foregoing is true and correct.~~

CIRCULATOR'S AFFIDAVIT

I, _____ , solemnly swear (or affirm) all of the following:
1.That I am 18 years of age or older.
2.That my residence address, including street and number, is _.
[If no street or number exists, a designation of my residence adequate to readily ascertain its location is _.]
3.That I secured signatures in the County of _____ to the nomination paper of the group of candidates named in the signer's statement above as candidates for nomination and election by the American Independent Party as delegates to represent the State of California in the party's next national convention; that all the signatures on this section of the nomination paper numbered from 1 to _____, inclusive, were made in my presence, that the signatures were obtained between _____, 20_, and _____, 20_, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at ___, California, this ____ day of ____, 2-____.

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(Signed) _____ ~~Circulator~~ _____

Amends Elections Code 6784

Each section shall be prepared with the lines, for signatures numbered, and shall have attached the declaration of the circulator who obtained signatures to it, ~~stating, under penalty of perjury, that she or he is a voter registered as affiliated with the Peace and Freedom Party, that all the signatures to the attached section were made in her or his presence, and that to the best of her or his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be.~~ *which shall meet all of the requirements of Section 104.* No other declaration is required to be made.

Amends Elections Code 6786

The nomination paper for a candidate for the presidential preference portion of the ballot shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF PRESIDENTIAL PREFERENCE PRIMARY CANDIDATE

Section _____Page _____
County of _____.

Nomination paper of a presidential preference candidate for the Peace and Freedom Party presidential primary ballot.

State of California
County of   ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as affiliated with the Peace and Freedom Party. I hereby nominate _____ for the presidential preference portion of the Peace and Freedom Party's presidential primary ballot, to be voted for at the presidential primary to be held on the _____ day of June, 20__. I have not signed the nomination paper of any other candidate for the same office, or for any group of delegates to the national convention of the _____ Party, with which the Peace and Freedom Party of California is affiliated on the national level.

Number   Signature   Printed Name   Residence
                                                Street address/ city

Changes in or additions to text are shown by underlined *italics*, deletions by ~~strikeouts~~, and new law text is shown *italicized* with no underlining.

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1.

2.

3.

etc.

CIRCULATOR'S DECLARATION

I, _____, affirm that I am a voter registered as affiliated with the Peace and Freedom Party in ____ County, that I secured signatures in the County of ____ to the nomination paper of a candidate in the presidential preference primary of the Peace and Freedom Party, that all the signatures on this section of the nomination paper numbered from 1 to ____, inclusive, were made in my presence, that the signatures were obtained between ____, 20_, and ____, 20_, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be. I declare under penalty of perjury that the foregoing is true and correct.

Executed at ____, California, this ____ day of ____, 20_.

CIRCULATOR'S AFFIDAVIT

I, _____ , affirm all of the following:
1.That I am 18 years of age or older.
2.That my residence address, including street and number, is.[If no street or number exists, a designation of my residence adequate to readily ascertain its location is.]
3.That I secured signatures in the County of ____ to the nomination paper of a candidate in the presidential preference primary of the Peace and Freedom Party, that all the signatures on this section of the nomination paper numbered from 1 to ____ , inclusive, were made in my presence, that the signatures were obtained between ____, 20_, and ____, 20_, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed at _____, California, this _____ day of _____, 20 .

~~Signed) _____ Circulator _____~~
~~(Printed name)~~

Amends Elections Code 6787
The nomination paper for a group of candidates for delegates to the national convention shall be in substantially the following form:
SECTION OF NOMINATION PAPER SIGNED BY VOTER ON BEHALF OF GROUP OF CANDIDATES FOR DELEGATES TO NATIONAL CONVENTION

Section_____Page_____
County of_____.

Nomination paper of group of candidates for election as delegates by the Peace and Freedom Party pledged to the candidacy of _____ as presidential nominee, or expressing no preference, as the case may be.

State of California
County of

ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as affiliated with the Peace and Freedom Party. I hereby nominate the following:

Numbers	Names	Residence City or town	County
1.			
2.			
3.			
etc.			

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(to the number as may be required) as candidates for delegate to the national convention of the _____ Party, with which the Peace and Freedom Party of California is affiliated on the national level, to be voted for at the presidential primary to be held on the _____ day of ~~March,~~ *June,* 20___. I have not signed the nomination paper of any other group of candidates for delegates to the national convention or of any candidate for the presidential preference portion of the primary ballot.

Number   Signature   Printed   Name   Residence
                                                Street address/city

1.
2.
3.
etc.

~~CIRCULATOR'S DECLARATION~~
~~I, _____, affirm that I am a voter registered as affiliated with the Peace and Freedom Party in ____ County, that I secured signatures in the County of ____ to the nomination paper of the group of candidates named in the signer's statement above as candidates for nomination and election by the Peace and Freedom Party as delegates to represent the Peace and Freedom Party of California in the ____ Party's next national convention, that all the signatures on this section of the nomination paper numbered from 1 to ____, inclusive, were made in my presence, that the signatures were obtained between ____, 20__, and ____, 20__, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be. I declare under penalty of perjury that the foregoing is true and correct.~~

~~Executed at ____, California, this ____ day of ____, 20__.~~

CIRCULATOR'S AFFIDAVIT

I, _____, affirm all of the following:
1.That I am 18 years of age or older.

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2.That my residence address, including street and number, is

.
[If no street or number exists, a designation of my residence adequate to
readily   ascertain   its   location   is
.]
3.That I secured signatures in the County of _____ to the nomination paper of
the group of candidates named in the signer's statement above as candidates
for nomination and election by the Peace and Freedom Party as delegates to
represent the Peace and Freedom Party of California in the _____ Party's next
national convention, that all the signatures on this section of the nomination
paper numbered from 1 to _____, inclusive, were made in my presence, that
the signatures were obtained between _____, 20__, and _____, 20__, and that
to the best of my knowledge and belief each signature is the genuine
signature of the person whose name it purports to be.
I declare under penalty of perjury that the foregoing is true and correct.

Executed at _____, California, this _____ day of _____, 20__.
(Signed) ~~_____ Circulator _____~~
~~(Printed name)~~

Amends Elections Code 8041

(a) The nomination paper shall be in substantially the following form:

NOMINATION PAPER

I, the undersigned signer for _____ for nomination to the office of _____, to
be voted for at the primary election to be held on the _____ day of _____, 20__,
hereby assert as follows:
I am a resident of _____ County and registered to vote at the address shown
on this paper. I am not at this time a signer of any other nomination paper of
any other candidate for the above-named office, or in case there are several
places to be filled in the above-named office, I have not signed more
nomination papers than there are places to be filled in the above-named
office. My residence is correctly set forth after my signature hereto:

Name

Residence

(b) ~~The~~ *The* affidavit of the circulator shall read as follows

*Full text can be obtained from www.leginfo.ca.gov

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AFFIDAVIT OF THE CIRCULATOR

I, _____ , solemnly swear (or affirm) all of the following:
1.That I am 18 years of age or older.
2.That my residence address, including street and number, is
.
[If no street or number exists, a designation of my residence adequate to readily ascertain its location is
.]
I, *3.* _____, solemnly swear (or affirm) that *That* the signatures on this section of the nomination paper were obtained between _____, 20__, and _____, 20__; that I circulated the petition and I witnessed the signatures on this section of the nomination paper being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.
~~My voting residence is _____.~~

Signed

Subscribed and sworn to before me this _____ day of _____, 20__.

(SEAL)Notary Public (or other official) _____

Examined and certified by me this _____ day of _____, 20__.

Elections Official

WARNING: Every person acting on behalf of a candidate is guilty of a misdemeanor who deliberately fails to file at the proper time and in the proper place any nomination paper in his or her possession which is entitled to be filed under Section 18202 of the Elections Code.

(c) If the nomination paper is for a partisan office, the nomination paper shall include a statement indicating the party preference of the signer of the nomination paper.

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Amends Elections Code 8066

Circulators shall ~~be voters in the district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision.~~ *meet the requirements of Section 102.*

Amends Elections Code 8106

(b) (4) If the petition is circulated for an office in more than one county, the candidate shall submit the signatures to the elections official in the county in which the petition was circulated. The elections official shall, at least two days after verifying the signatures on the petition, notify the Secretary of State of the total number of valid signatures. If the number of signatures is insufficient, the Secretary of State shall notify the candidate and the elections officials of the fact. The candidate may submit the necessary number of valid signatures at any time prior to the close of the period for circulating nomination papers. Each circulator ~~of an in-lieu-filing-fee petition shall be a registered voter of the district or political subdivision in which the candidate is to be voted on. The circulator shall serve within the county in which he or she resides.~~ *shall meet the requirements of Section 102.*

Amends Elections Code 8409

Each candidate or group of candidates shall submit a nomination paper that shall be substantially in the following form:

County of _____.Nomination paper of _____, candidate for the office of ____

State of California

County of

}   ss.

SIGNER'S STATEMENT

I, undersigned, am a voter of the County of _____, State of California. I hereby nominate _____, who resides at No. _____, _____ Street, City of _____, County of _____, State of California, as a candidate for the office of _____ to be voted for at the election to be held on the _____ day of _____, 20___. I have not signed the nomination paper of any other candidate for the same office.

Number Signature   Printed Name   Residence
1.
2.
3.

Changes in or additions to text are shown by underlined *italics*, deletions by ~~strikeouts~~, and new law text is shown *italicized* with no underlining.

*Full text can be obtained from www.leginfo.ca.gov

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4.
5.
etc.

CIRCULATOR'S AFFIDAVIT

I, _____, solemnly swear (or affirm) all of the following:
1.That I am 18 years of age or older.
2.That my residence address, including street and number, is
.
[If no street or number exists, a designation of my residence adequate to
readily   ascertain   its   location   is
.]
I, *3.* ~~_____, solemnly swear (or affirm) that~~ *That* I secured signatures in the County of _____ to the nomination paper of _____ as candidate for the office of _____; that the signatures were obtained between _____, 20__, and _____, 20__; that I saw all the signatures on this section of the nomination paper being signed and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be

~~My residence address is~~

_____ (Signed) Circulator
Subscribed   and   sworn   to   before   me   this   _____   day   of _____, 20__.

(SEAL) _____   Notary Public (or other official)

Amends Elections Code 8451
    Circulators shall ~~be voters in the district or political subdivision in which the candidate is to be voted on and shall serve only in that district or political subdivision.~~ *meet the requirements of Section 102.*

Amends Elections Code 9021
    (a) A person who ~~is a voter or who is qualified to register to vote in this state may circulate an~~ *meets the requirements of Section 102 may circulate a statewide* initiative or referendum petition anywhere within the state. Each section of the petition shall bear the name of a county or city and county, and only qualified registered voters of that county or city and county may sign that section.

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(b) The circulator may sign the section he or she is circulating as provided in Section 106.

Amends Elections Code 9022

(a) Each section shall have attached thereto the declaration of the person soliciting the signatures setting forth the information required by Section ~~104 and stating that the circulator is a voter or is qualified to register to vote in the state.~~ *104.*

(c) Another declaration ~~thereto may~~ *shall* not be required.

(d) Petitions so verified shall be prima facie evidence that the signatures ~~thereon~~ are genuine and that the persons signing are qualified voters. Unless and until otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters.

Amends Elections Code 9209

Each section shall have attached thereto the declaration of the person soliciting the signatures. This declaration shall be substantially in the same form as set forth in Section ~~9022, except that the declaration shall declare that the circulator is a voter or is qualified to register as a voter of the city, and shall state his or her residence address at the time of the execution of the declaration.~~ *9022.*

Amends Elections Code 9237

If a petition protesting the adoption of an ordinance, and circulated by a person who ~~is a registered voter or who is qualified to be a registered voter of the city,~~ *meets the requirements of Section 102,* is submitted to the elections official of the legislative body of the city in his or her office during normal office hours, as posted, within 30 days of the date the adopted ordinance is attested by the city clerk or secretary to the legislative body, and is signed by not less than 10 percent of the voters of the city according to the county elections official's last official report of registration to the Secretary of State, or, in a city with 1,000 or less registered voters, is signed by not less than 25 percent of the voters or 100 voters of the city, whichever is the lesser, the effective date of the ordinance shall be suspended and the legislative body shall reconsider the ordinance.

Amends Elections Code 9238

(a) Across the top of each page of the referendum petition there shall be printed the following:

"Referendum Against an Ordinance Passed by the City Council"

Changes in or additions to text are shown by <u>underlined *italics*</u>, deletions by ~~strikeouts~~, and new law text is shown *italicized* with no underlining.

*Full text can be obtained from www.leginfo.ca.gov

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(b) Each section of the referendum petition shall contain (1) the identifying number or title, and (2) the text of the ordinance or the portion of the ordinance that is the subject of the referendum.

The petition sections shall be designed in the same form as specified in Section 9020.

(c) Each section shall have attached thereto the declaration of the person soliciting the signatures. This declaration shall be substantially in the same form as set forth in Section 9022, except that the declaration shall declare that the circulator is a voter or is qualified to register as a voter of the city, and shall state his or her residence address at the time of the execution of the declaration. *9022.*

Amends Elections Code 9305

After filing a copy of the notice of intention, statement of the reasons for the proposed petition, written text of the initiative, and affidavit of publication or posting with the district elections official pursuant to Section 9304, the petition may be circulated among the voters of the district for signatures by any person who is a voter or who is qualified to register to vote in the district. *meets the requirements of Section 102.* Each section of the petition shall bear a copy of the notice of intention and statement.

Amends Elections Code 9307

Each section of the petition shall have attached thereto the affidavit of the person soliciting the signatures. This affidavit shall be substantially in the same form as set forth in Section 9022, except that the affidavit shall declare that the circulator is a voter or is qualified to register to vote in the district. *9022.*

Amends Elections Code 10220

Candidates may be nominated for any of the elective offices of the city in the following manner:

Not earlier than the 113th day nor later than the 88th day before a municipal election during normal office hours, as posted, the voters may nominate candidates for election by signing a nomination paper. Each candidate shall be proposed by not less than 20 nor more than 30 voters in a city of 1,000 registered voters or more, and not less than five nor more than 10 voters in a city of less than 1,000 registered voters, but only one candidate may be named in any one nomination paper. No voter may sign more than one nomination paper for the same office, and in the event the voter does so, that voter's signature shall count only on the first nomination paper filed which contains the voter's signature. Nomination papers subsequently filed and

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Changes in or additions to text are shown by underlined *italics*, deletions by ~~strikeouts~~, and new law text is shown *italicized* with no underlining.

*Full text can be obtained from www.leginfo.ca.gov

containing that voter's signature shall be considered as though that signature does not appear thereon. Each seat on the governing body is a separate office. Any person ~~registered to vote at the election, and qualified to vote for the elective office of the city for which the nomination is made,~~ *who meets the requirements of Section 102* may circulate a nomination paper. Only one person may circulate each nomination paper. Where there are full terms and short terms to be filled, the term shall be specified in the nomination paper.

Amends Elections Code 10226
The nomination papers and affidavits shall be substantially in the following form:
"NOMINATION PAPER

We, the undersigned voters of the _____ of _____ hereby nominate _____ for the office of _____ of the city:

Name   Residence

AFFIDAVIT OF THE CIRCULATOR

State of California
County of   }   ss.

I, _____, solemnly swear (or affirm) all of the following:
1.That I am 18 years of age or older.
2.That my residence address, including street and number, is
.
[If no street or number exists, a designation of my residence adequate to readily   ascertain   its   location   is
.]
~~I,~~ *3.* _____, ~~solemnly swear (or affirm) that~~ *That* the signatures on this nomination paper were obtained between _____, 2__, and _____, 2__; that I circulated this petition and I saw the signatures on this section of the nomination papers being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports   to   be.
~~My residence address is _____.~~
(Signature)

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I certify (or declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed by me at ____, on ____, 2__.

AFFIDAVIT OF THE NOMINEE

State of California
County of   }   ss.

_____ being duly sworn, says that he or she is the above-named nominee for the office of ____, that he or she will accept the office in the event of his or her election, that he or she desires his or her name to appear on the ballot as follows:

(Print name above),

and that he or she desires the following designation to appear on the ballot under his or her name:

(Print desired designation above),

and that his or her residence address is .
(Print residence address as provided by affiant)

I certify (or declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed by me at ____, on ____, 2___."

Amends Elections Code 11045

Only registered voters of the electoral jurisdiction of the officer sought to be recalled are qualified to ~~circulate or~~ sign a recall petition for that officer. *A person who meets the requirements of Section 102 may circulate the petition.*

Amends Elections Code 11046

To each section of a petition shall be attached a declaration, signed by the circulator thereof, that complies with Section 104. ~~The declaration shall include a statement that the circulator is a registered voter in the jurisdiction of the officer sought to be recalled.~~

SAN FRANCISCO BAY RESTORATION AUTHORITY

Senate Bill 279
Chapter 514

CURRENT PROVISIONS:
Existing law establishes that the San Francisco Bay Restoration Authority to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline.

Authorizes the San Francisco Bay Restoration Authority to levy a benefit assessment, special tax, or property-related fee consistent with the California Constitution, as specified.

Requires the board of supervisors of each affected county, when the authority proposes a measure to levy a special tax for submission to the voters, to call a special election on the measure and place the measure on the ballot of the next regularly scheduled statewide election.

NEW PROVISIONS:
Specifies that a measure proposed by the authority must be submitted to the voters of the authority in accordance with the provisions of the Elections Code applicable to districts, as specified.

Requires the San Francisco Bay Restoration Authority to file with the board of supervisors of each affected county a resolution requesting consolidation.

Requires the legal counsel for the San Francisco Bay Restoration Authority to prepare, subject to review and revision by a specified county counsel, an impartial analysis of the measure.

Requires the elections official of those affected counties to mutually agree to use the same letter designation for the measure.

Expresses the intent of the Legislature to address the unique procedural and financial barriers faced by the authority in proposing a special tax measure for a large, multicounty jurisdiction in a special election.

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Provides that in the first election at which the authority proposes a special tax, the authority is required to reimburse each county in which the special tax measure appears on the ballot only for the incremental costs, as defined, that are incurred by the county elections official related to submitting the measure to the voters. **Repeals this provision on January 1, 2017.**

SECTIONS AFFECTED:

SECTION 1.

It is the intent of the Legislature to address the unique procedural and financial barriers faced by the San Francisco Bay Restoration Authority in proposing a special tax measure for a large, multicounty jurisdiction in a special election.

Amends Section 2 of Government Code 66704.05

(b) The authority is a district, as defined in Section 317 of the Elections Code. Except as otherwise provided in this section, a measure proposed by the authority that requires voter approval shall be submitted to the voters of the authority in accordance with the provisions of the Elections Code applicable to districts, including the provisions of Chapter 4 (commencing with Section 9300) of Division 9 of the Elections Code.

(c) The authority shall file with the board of supervisors of each county in which the measure shall appear on the ballot a resolution of the authority requesting consolidation, and setting forth the exact form of the ballot question, in accordance with Section 10403 of the Elections Code.

(d) The legal counsel for the authority shall prepare an impartial analysis of the measure. The impartial analysis prepared by the legal counsel for the authority shall be subject to review and revision by the county counsel of the county that contains the largest population, as determined by the most recent federal decennial census, among those counties in which the measure will be submitted to the voters.

~~(b)~~ *(e)* Each county included in the measure shall use the *exact* ballot question, ~~title and summary, and~~ *impartial analysis, and* ballot language provided ~~in the resolution of the authority.~~ *by the authority. If two or more counties included in the measure are required to prepare a translation of ballot materials into the same language other than English, the county that contains the largest population, as determined by the most recent federal decennial census, among those counties that are required to prepare a translation of ballot materials into the same language other than English shall prepare the translation and that translation shall be used by the other county or counties, as applicable.*

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(f) Notwithstanding Section 13116 of the Elections Code, if a measure proposed by the authority pursuant to this article is submitted to the voters of the authority in two or more counties, the elections officials of those counties shall mutually agree to use the same letter designation for the measure.

(e) *(g)* The county clerk of each county shall report the results of the special election to the authority.

(h) (1) Notwithstanding Section 10520 of the Elections Code, for the first election at which the authority proposes a special tax pursuant to subdivision (a) of Section 66704, the authority shall reimburse each county in which the special tax measure appears on the ballot only for the incremental costs incurred by the county elections official related to submitting the measure to the voters.

(2) For purposes of this subdivision, "incremental costs" include all of the following

(A) The cost to prepare, review, and revise the impartial analysis of the measure that is required by subdivision (d).

(B) The cost to prepare a translation of ballot materials into a language other than English by any county, as described in subdivision (e).

(C) The additional costs that exceed the costs incurred for other election races or ballot measures, if any, appearing on the same ballot in each county in which the special tax measure appears on the ballot, including both of the following:

(i) The printing and mailing of ballot materials.

(ii) The canvass of the vote regarding the special tax measure pursuant to Division 15 of the Elections Code.

(3) This subdivision is repealed on January 1, 2017.

LOCAL ELECTIONS: CHARTERS AND CHARTER PROPOSALS

Senate Bill 311
Chapter 184

CURRENT PROVISIONS:

Existing law requires a charter or charter amendment proposed by a charter commission for a city or city and county to be submitted to the voters at an established statewide general, statewide primary, or regularly scheduled municipal election, provided there are at least 95 days before the election.

Requires specified city or city and county charter proposals to be submitted to the voters at an established statewide general, statewide primary, or regularly

scheduled municipal election, provided there are at least 88 days before the election.

Authorizes the governing body of any city or city and county to propose a charter and submit the proposal to the voters for adoption at the next established statewide general, statewide primary, or regularly scheduled municipal election, provided there are at least 88 days before the election.

NEW PROVISIONS:

Eliminates the option of submitting a city or city and county charter or a proposal to amend or repeal a charter to the voters at a statewide primary or regularly scheduled municipal election, except for city or city and county charter proposals to amend or repeal a charter that are proposed by voter petitions, as specified, are required to be submitted to the voters at the next regularly scheduled general municipal election or at any established statewide general or statewide primary election occurring not less than 88 days after the date of the order of election.

Requires a charter, charter amendment, or charter proposal not excepted to be submitted to the voters at a statewide general election, provided there are at least 95 or 88 days, as applicable, before the election.

Authorizes the governing body of a city or city and county to direct that a charter proposal that proposes to amend a charter in a manner that does not alter any procedural or substantive protection, right, benefit, or employment status of any local government employee or retiree or of any local government employee organization, or that proposes to amend a charter solely to comply with a court injunction or consent decree or with federal or state voting rights laws, be submitted to the voters at the next regularly scheduled general municipal election or at any established statewide general or statewide primary election occurring not less than 88 days after the date of the order of election.

Makes conforming changes to existing law.

SECTIONS AFFECTED:

Amends Elections Code 1415

(a) (1) Except as provided in paragraph (2), a city or city and county charter proposal proposed by the governing body of a city or city and county on its own motion that qualifies pursuant to Section 9255 shall be submitted

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to the voters at the next established statewide general election pursuant to Section 1200 occurring not less than 88 days after the date of the order of election.

(2) The governing body of a city or city and county may direct that either of the following be submitted to the voters at the next regularly scheduled general municipal election pursuant to Section 1301, or at any established statewide general or statewide primary election pursuant to Section 1200 or 1201, occurring not less than 88 days after the date of the order of election:

(A) A charter proposal that proposes to amend a charter in a manner that does not alter any procedural or substantive protection, right, benefit, or employment status of any local government employee or retiree or of any local government employee organization.

(B) A charter proposal that proposes to amend a charter solely to comply with a court injunction or consent decree or with federal or state voting rights laws.

~~City~~ *(b) A city* or city and county charter ~~proposals that qualify pursuant to Section 9255~~ *proposal that proposes to amend or repeal a charter and is proposed by a petition signed by 15 percent of the registered voters of a city or 10 percent of the registered voters of a city and county, pursuant to subdivision (c) of Section 9255,* shall be submitted to the voters at ~~either~~ the next ~~regular~~ *regularly scheduled* general municipal election ~~occurring not less than 88 days after the date of the order of election, or at a special election called for that purpose or on any established election date~~ *pursuant to Section 1301, or at any established statewide general or statewide primary election* pursuant to Section ~~1000~~ *1200 or 1201,* occurring not less than 88 days after the date of the order of election.

Amends Elections Code 9255

(a) A charter or charter amendment proposed by a charter commission, whether elected or appointed by a governing body, for a city or city and county shall be submitted to the voters at an established statewide ~~general, statewide primary, or regularly scheduled municipal election date~~ *general election* pursuant to Section 1200, ~~1201, or 1301, provided that~~ *provided* there are at least 95 days before the election. A charter commission may also submit a charter pursuant to Section 34455 of the Government Code.

(b) ~~The~~ *Except as provided in paragraph (2) of subdivision (a) of Section 1415, the* following city or city and county charter proposals shall be submitted to the voters at an established statewide ~~general, statewide primary, or regularly scheduled municipal election,~~ *general election* pursuant to Section 1200, ~~1201, or 1301, provided that~~ *provided* there are at least 88 days before the election:

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(1) An *A proposal to adopt a charter, or an* amendment or repeal of a ~~charter~~ *charter,* proposed by the governing body of a city or a city and county on its own motion.

(2) A recodification of the charter proposed by the governing body on its own motion, provided that the recodification does not, in any manner, substantially change the provisions of the charter.

(c) The following city or city and county charter proposals shall be submitted to the voters at an established statewide general, statewide primary, or regularly scheduled municipal election pursuant to Section 1200, 1201, or 1301 occurring not less than 88 days after the date of the order of election:

~~(2)~~ *(1)* An amendment or repeal of a city charter proposed by a petition signed by 15 percent of the registered voters of the city.

~~(3)~~ *(2)* An amendment or repeal of a city and county charter proposed by a petition signed by 10 percent of the registered voters of the city and county.

~~(4) A recodification of the charter proposed by the governing body on its own motion, provided that the recodification does not, in any manner, substantially change the provisions of the charter.~~

~~(c)~~ *(d)* Charter proposals by the governing body and charter proposals by petition of the voters may be submitted at the same election.

~~(d)~~ *(e)* The total number of registered voters of the city or city and county shall be determined according to the county elections official's last official report of registration to the Secretary of State that was effective at the time the notice required pursuant to Section 9256 was given.

Amends Elections Code 9260

We, the undersigned, registered and qualified voters of the State of California, residents of the City (or City and County) of _____, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of Part 1 of Division 2 of Title 4 of the Government Code, present to the city council (or other legislative body) of the city (or city and county) this petition and request that the following proposed amendment to the charter of the city (or city and county) be submitted to the registered and qualified voters of the city (or city and county) for their adoption or rejection at the next statewide general, statewide primary, or regularly scheduled municipal election ~~date~~ pursuant to Section 1200, 1201, or 1301.

Amends Government Code 34457

After the charter prepared by the charter commission has been filed in the office of the clerk of the governing body of the city or city and county pursuant

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to Section 34455, the proposed charter shall be submitted to the voters of the city or city and county at the next established statewide ~~general, statewide primary, or regularly scheduled municipal election date~~ *general election* pursuant to Section ~~1200, 1201, or 1301~~ *1200* of the Elections Code, provided there are at least 95 days before the election.

Amends Government Code 34458

(a) As an alternative to the procedure provided for in Sections 34450 to 34457, inclusive, the governing body of ~~any~~ *a* city or city and county, on its own motion may propose or cause to be proposed, amend or cause to be amended, or repeal or cause to be repealed, a charter, and may submit the proposal for the adoption, amendment, or repeal thereof, to the voters at the next established statewide ~~general, statewide primary, or regularly scheduled municipal election date~~ *general election* pursuant to Section ~~1200, 1201, or 1301~~ *1200* of the Elections ~~Code~~ *Code,* provided there are at least 88 days before the ~~election.~~ *election, or, for a proposal described in paragraph (2) of subdivision (a) of Section 1415 of the Elections Code, at an election specified in that paragraph.*

CERTIFICATION OF VOTING SYSTEMS

SB 360

Senate Bill 360
Chapter 602

CURRENT PROVISIONS:

Existing law establishes various procedures and criteria for the approval by the Secretary of State of voting systems, including ballot marking systems, to be used in elections.

Prohibits the use of a voting system unless it has received the approval of the Secretary of State, as specified.

Provides that a person or corporation owning or being interested in a voting system or a part of a voting system may apply to the Secretary of State to examine it and report on its accuracy and efficiency to fulfill its purpose.

Requires the vendor of a voting system or the part of a voting system to notify the Secretary of State in writing of any known defect, fault, or failure of the version of the hardware, software, or firmware of the voting system or a part of the voting system submitted, and the Secretary of State is required to

notify the United States Election Assistance Commission or its successor entity of the problem as soon as practicable so as to present a reasonably complete description of the problem, as part of its application.

Requires the Secretary of State to provide for a 30-day public review period and conduct a public hearing prior to publishing his or her decision to certify, conditionally approve, or withhold certification of a voting system, part of a voting system, or a ballot marking system. The Secretary of State is required to transmit notice of the hearing at least 30 days prior to the public review period and hearing, as specified.

Requires the Secretary of State to file a report, within 30 days after completing the examination of any voting system, stating whether the voting system can safely be used, as specified.

Authorizes a governing board to adopt any kind of voting system, any combination of voting systems, or any combination of a voting system and paper ballots for use at elections, as specified.

Provisions authorize the use of the voting systems at any or all elections held in any county, city, or any of their political subdivisions for voting, registering, and counting votes cast, and prohibit candidates for a single office from being split between voting systems or between a voting system and paper ballots.

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Authorizes a governing board to provide for the experimental use of a voting system in one or more precincts without formally adopting the system and provides that the experimental use of the system at the election is valid for all purposes as if it were lawfully adopted.

Provides, upon examination of a voting system or a ballot marking system, that if a report is issued that states that the voting system or ballot marking system can be used, it is deemed approved by the Secretary of State for use at elections.

The Voting Modernization Bond Act of 2002 authorizes the issuance of bonds in the amount of $200,000,000 pursuant to the State General Obligation Bond Law for the purpose of assisting counties in the purchase of updated voting systems.

Prohibits the Secretary of State, on and after January 1, 2005, from approving a direct recording electronic voting system unless the system has

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received federal qualification and includes an accessible voter verified paper audit trail.

NEW PROVISIONS:

Recast and revise existing provisions by changing the term "approval" to the term "certification" and would authorize the Secretary of State to certify, conditionally approve, as specified, or withhold approval of a voting system.

Provides that it is the intent of the Legislature that a local jurisdiction be authorized to use available public funds to research and develop a nonproprietary voting system, as specified, for use in a pilot program or for submission to the Secretary of State, and that the Secretary of State certify all voting systems before they are used in future elections, adopt and publish testing standards, and encourage the development of voting systems that are easy to audit.

Requires the Secretary of State to adopt and publish voting system standards and regulations, as specified, and requires the Secretary of State to study the performance of the voting systems in use in the state.

Requires the Secretary of State to publish requirements for the approval of state-approved testing agencies, as defined, that are authorized to conduct the testing and examination of voting systems and to approve and publish a list of authorized testing agencies.

Provides that the person, corporation, or public agency applying for certification of a voting system is responsible for all costs associated with the testing of the voting system.

Provides that a voting system that has been tested and approved for use in all elections by the Secretary of State before January 1, 2014, is deemed to be certified or conditionally approved by the Secretary of State and is authorized for use in elections, as specified.

Authorizes a vendor or county that has submitted a voting system for federal qualification before August 1, 2013, to request approval of the voting system from the Secretary of State, as specified.

Prohibits a jurisdiction from purchasing or contracting for a voting system unless the voting system has been certified or conditionally approved by the Secretary of State, except as specified.

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Authorizes the Secretary of State to grant conditional approval to a voting system or part of a voting system under specified circumstances.

Deletes the requirement that the Secretary of State notify the United States Election Assistance Commission or its successor entity of any known defect, fault, or failure of the version of the hardware, software, or firmware of the voting system or a part of the voting system submitted by the applicant.

Requires the Secretary of State to transmit notice of the hearing at least 14 days prior to the public review period and hearing.

Requires the Secretary of State to file a report within 60 days after the completion of the examination of the voting system, as specified.

Deletes provisions authorizing a governing board to adopt any kind of voting system, any combination of voting systems, or any combination of a voting system and paper ballots for use at elections, and provisions authorizing the use of the voting systems at any or all elections held in any county, city, or any of their political subdivisions for voting, registering, and counting votes cast, and prohibit candidates for a single office from being split between voting systems or between a voting system and paper ballots.

Authorizes a governing board to conduct a pilot program for the experimental use of voting systems, as specified.

Requires the Secretary of State to adopt and publish regulations governing voting system pilot programs. No later than 9 months before the election at which a pilot program is proposed to be conducted, the governing board is required to submit to the Secretary of State a plan for the proposed pilot program, and requires the Secretary of State to approve or reject the plan within 3 months of receipt of the plan.

Requires votes cast on a voting system during a pilot program, as specified, to be subject to risk-limiting audits, as defined.

Requires, upon completion of the pilot program, the governing board to notify the Secretary of State in writing of any defect, fault, or failure in the hardware, software, or firmware of the voting system.

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Deletes provisions that upon examination of a voting system or a ballot marking system, if a report is issued that states that the voting system or ballot marking system can be used, it is deemed approved by the Secretary of State for use at elections, and makes conforming changes.

Authorizes a county to use fund moneys to contract and pay for research and development of a new voting system that has not been certified or conditionally approved by the Secretary of State, as specified, and for the manufacture of the minimum number of voting system units, as specified.

Prohibits a city or county from contracting for or purchasing a direct recording electronic voting system unless the system has been certified by the Secretary of State, and requires all direct recording electronic voting systems in use as of January 1, 2006, to have received federal qualification and include an accessible voter verified paper audit trail, as specified.

SECTIONS AFFECTED:

SECTION 1*. The heading of Division 19 (commencing with Section 19001) of the Elections Code is amended to read:*

DIVISION 19. CERTIFICATION OF VOTING SYSTEMS

SEC. 2
Adds Elections Code 19006
It is the intent of the Legislature that:
(a) All voting systems be certified or conditionally approved by the Secretary of State, independent of voluntary federal qualification or certification, before they are used in future elections to ensure that the voting systems have the ability to meet accuracy, accessibility, and security standards.
(b) The Secretary of State adopt and publish testing standards that meet or exceed federal voluntary standards set by the United States Election Assistance Commission or its successor agency.
(c) The Secretary of State study and encourage the development of voting systems that use nonproprietary source code and that are easy to audit.
(d) A local jurisdiction may use available public funds to purchase and maintain any certified or conditionally approved voting system or part of a voting system.
(e) California receive the benefits of the publicly funded development of a nonproprietary voting system in the state.

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(f) A local jurisdiction may use available public funds to research and develop a nonproprietary voting system that uses disclosed source codes, including the manufacture of a limited number of voting system units, for use in a pilot program or for submission to the Secretary of State for certification.

SEC. 3
Amends Elections Code 19100

The Secretary of State shall study and adopt regulations governing the use of voting machines, voting devices, vote tabulating devices, and ballot marking ~~systems.~~ *systems, and shall be responsible for certifying voting systems for use in this state.*

SEC. 4
Amends & Renumbers Elections Code ~~19101~~ *19103*

The Chairperson of the Senate Standing Committee on Elections and ~~Reapportionment~~ *Constitutional Amendments* and the Chairperson of the Assembly Standing Committee on ~~Elections, Reapportionment and Constitutional Amendments~~ *Elections and Redistricting* shall meet with the Secretary of State and assist the Secretary of State to the extent that the participation is not incompatible with their positions as Members of the Legislature. For ~~the~~ purposes of this division, the chairpersons of the committees named shall constitute a joint interim legislative committee on the subject of this chapter and Chapter 3 (commencing with Section 19200) and shall have the powers and duties imposed upon those committees by the Joint Rules of the Senate and Assembly.

SEC. 5
Adds Elections Code 19101

(a) The Secretary of State shall adopt and publish voting system standards and regulations governing the use of voting systems. The Secretary of State shall adopt standards that meet or exceed federal voluntary voting system guidelines set forth by the United States Election Assistance Commission or its successor agency. Until state standards are adopted, the Voluntary Voting System Guidelines Draft Version 1.1, as submitted to the United States Election Assistance Commission on August 31, 2012, shall be used as state standards to the extent that they do not conflict with this code. The Secretary of State may require additional testing to ensure that voting systems meet the requirements of this code.

(b) Voting system standards adopted by the Secretary of State pursuant to subdivision (a) shall include, but not be limited to, all of the following requirements:

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(1) The machine or device and its software shall be suitable for the purpose for which it is intended.

(2) The system shall preserve the secrecy of the ballot.

(3) The system shall be safe from fraud or manipulation.

(4) The system shall be accessible to voters with disabilities pursuant to Section 19242 and applicable federal laws.

(5) The system shall be accessible to voters who require assistance in a language other than English if the language is one in which a ballot or ballot materials are required to be made available to voters pursuant to Section 14201 and applicable federal laws.

SEC. 6
Amends & Renumbers Elections Code ~~19102~~ *19104*

SEC. 6.5
Amends & Renumbers Elections Code ~~19102~~ *19105*

SEC. 7
Adds Elections Code 19102

The Secretary of State shall study the performance of voting systems in use in the state.

SEC. 8
Amends & Renumbers Elections Code ~~19103~~ *19212*

(a) (1) No later than 10 business days after the Secretary of State *certifies or conditionally* approves the use of a new or updated voting system, the vendor *or county seeking certification or approval* of the voting system shall cause an exact copy of the approved source code for each component of the voting system, including complete build and configuration instructions and related documents for compiling the source code into object code, to be transferred directly from *either* the United States Election Assistance Commission or the voting system testing ~~laboratory, which~~ *agency that* evaluated the voting system and is ~~accredited~~ *approved* by the ~~United States Election Assistance Commission~~, *Secretary of State,* and deposited into an approved escrow facility.

(2) No later than 10 business days after the Secretary of State ~~approves the use of~~ *certifies or conditionally approves* a new or updated ballot marking system, the vendor *or county seeking certification or approval* of the ballot marking system shall cause an exact copy of the approved source code for each component of the ballot marking system, including complete build and

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configuration instructions and related documents for compiling the source code into object code, to be deposited into an approved escrow facility.

(b) (1) The definition of source code components of a voting system or ballot marking system, including source code for all firmware and software of the voting system or ballot marking system. Firmware and software shall include commercial off-the-shelf or other third-party firmware and software that is available and able to be disclosed by the vendor ~~of the~~ *or county seeking certification or approval of a* voting system or ballot marking system.

(b) (5) Requirements for the ~~vendor~~ *applicant* to include in the materials deposited in escrow build and configuration instructions and documents so that a neutral third party may create, from the source codes in escrow, executable object codes identical to the code installed on *certified or conditionally* approved voting systems or ballot marking systems.

(c) The Secretary of State shall have reasonable access to the materials placed in escrow, under *any of* the following circumstances:

(3) In order to fulfill the provisions of this chapter related to the examination and *certification or conditional* approval of voting systems or ballot marking systems.

(4) In order to verify that the software on a voting ~~system, voting machine, vote tabulating device, or ballot marking~~ system is identical to the *certified or conditionally* approved version.

(d) The Secretary of State may seek injunctive relief requiring the elections officials, approved escrow facility, or any vendor or manufacturer of a voting ~~machine, voting system, vote tabulating device, or ballot marking~~ *system or part of a voting* system to comply with this section and related regulations. Venue for a proceeding under this section shall be exclusively in Sacramento County.

SEC. 9 *The heading of Chapter 3 (commencing with Section 19200 of Division 19 of the Elections Code is amended to read:*

CHAPTER 3. Certification of Voting Systems

SEC. 10 *The heading of Article 1 (commencing with Section 19200) of Chapter 3 of Division 19 of the Elections Code is amended to read:*

Article 1. Procedures for Certification of Voting Systems

SEC. 11
Amends & Renumbers Elections Code ~~19200.5~~ *19204*

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The Secretary of State shall not *certify or conditionally* approve any voting system that ~~permits~~ *includes features that permit* a voter to ~~exit a~~ *produce, and leave the* polling place ~~with~~ *with,* a *copy or* facsimile of the ballot cast by ~~that~~ *the* voter at that polling place.

SEC. 12
Amends and Renumbers Elections Code ~~19201~~ *19202*

(a) ~~No~~ *Except as authorized by Section 19209, a* voting system, in whole or in part, shall *not* be used unless it has ~~received the approval of the~~ *been certified or conditionally approved by the* Secretary of State prior to any election at which it is to be ~~first~~ used.

(b) A voting system that has been tested and approved for use in all elections by the Secretary of State before January 1, 2014, shall be deemed certified or conditionally approved by the Secretary of State and may be used in an election subject to any conditions placed on the use of the voting system by the Secretary of State before January 1, 2014, including conditions imposed in the reapproval documents issued by the Secretary of State in 2007 and 2008 following the Top-to-Bottom Review, and its subsequent revisions. The voting systems described in this subdivision shall remain subject to review and decertification by the Secretary of State at any time pursuant to Section 19232.

(c) A vendor or county that has submitted a voting system for federal qualification before August 1, 2013, upon obtaining federal qualification before January 1, 2015, may request approval of the voting system from the Secretary of State based on the examination and review requirements in place before January 1, 2014.

~~(b)~~ *(d)* ~~No~~ *A* jurisdiction ~~may~~ *shall not* purchase or contract for a voting ~~system, in whole or in part,~~ *system* unless it has ~~received the approval of the~~ *been certified or conditionally approved by the* Secretary of State.

(e) Notwithstanding subdivision (d), a local jurisdiction may contract and pay for the following:

(1) Research and development of a new voting system that has not been certified or conditionally approved by the Secretary of State and uses only nonproprietary software and firmware with disclosed source code, except for unmodified commercial off-the-shelf software and firmware, as defined in paragraph (1) of subdivision (a) of Section 19209.

(2) Manufacture of the minimum number of voting system units reasonably necessary for either of the following purposes:

(A) To test and seek certification or conditional approval of the voting system pursuant to Sections 19210 to 19214, inclusive.

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(B) To test and demonstrate the capabilities of the voting system in a pilot program pursuant to paragraph (2) of subdivision (b) of, and subdivision (c) of, Section 19209.

SEC. 13
Adds Elections Code 19201

(a) The Secretary of State may grant conditional approval to a voting system or part of a voting system under either of the following circumstances:

(1) A voting system or part of a voting system was decertified as a result of a review by the Secretary of State pursuant to Section 19232.

(2) A certified voting system or part of that voting system is modified to comply with voting system standards or changes in statute.

(b) The Secretary of State may withdraw conditional approval at any time pursuant to Section 19232.

SEC. 14
Amends & Renumbers ~~19202~~ *19210*

(a) A ~~person or corporation owning or being interested in~~ *person, corporation, or public agency owning or having an interest in the sale or acquisition of* a voting system or a part of a voting system may apply to the Secretary of State ~~to examine it and report on its~~ *for certification that includes testing and examination of the applicant's system by a state-approved testing agency or expert technicians and a report on the findings, which shall include the* accuracy and efficiency ~~to fulfill its purpose.~~ *of the voting system.* As part of its application, the ~~vendor of a voting system or the part of a voting system~~ *applicant* shall notify the Secretary of State in writing of any known defect, fault, or failure of the version of the hardware, software, or firmware of the voting system or a part of the voting system submitted. The Secretary of State shall not begin his or her ~~examination~~ *certification process* until he or she receives a completed ~~application from the vendor of the voting system or a part of the voting system. The vendor~~ *application. The applicant* shall also notify the Secretary of State in writing of any defect, fault, or failure of the version of the hardware, software, or firmware of the voting system or a part of the voting system submitted that is discovered after the application is submitted and before the Secretary of State submits the report required by Section ~~19207.~~ *19213.* The Secretary of State shall complete his or her ~~examination~~ *certification process* without undue delay.

(b) The Secretary of State shall ~~subsequently submit a report regarding the problem to the United States Election Assistance Commission or its successor entity. The report shall include any report regarding the problem submitted to the Secretary of State by the vendor.~~ *publish and make publicly*

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available on his or her Internet Web site a quarterly report of regulatory activities related to voting systems.

(c) ~~The following definitions apply for purposes of~~ *As used in* this article:

(1) "Defect" means any flaw in the hardware or documentation of ~~an approved or conditionally approved~~ *a* voting system that could result in a state of unfitness for use or nonconformance to the manufacturer's ~~specifications.~~ *specifications or applicable law.*

(2) "Failure" means a discrepancy between the external results of the operation of any software or firmware in ~~an approved or conditionally approved~~ *a* voting system and the manufacturer's product requirements for that software or ~~firmware.~~ *firmware or applicable law.*

(3) "Fault" means a step, process, or data definition in any software or firmware in ~~an approved or conditionally approved~~ *a* voting system that is incorrect under the manufacturer's program ~~specification.~~ *specification or applicable law.*

SEC. 15
Amends and Renumbers Elections Code ~~19203~~ *19223*

The Secretary of State ~~may make all arrangements for the time and place to examine voting equipment proposed to be sold~~ *shall use a state-approved testing agency or expert technicians to examine and test voting systems or parts of voting systems proposed for use or sale* in this state. He or she shall furnish a complete report of the findings of the ~~examining engineers~~ *examination and testing* to the Governor and the Attorney General.

SEC. 16
Amends and Renumbers Elections Code ~~19204~~ *19211*

(a) Prior to ~~giving its decision approving or withholding approval of any voting machine, voting device, or vote tabulating device,~~ *publishing his or her decision to certify, conditionally approve, or withhold certification of a voting system or part of a voting system,* the Secretary of State shall ~~hold~~ *provide for* a ~~public~~ *30-day public review period and conduct a public* hearing to give persons interested an opportunity to *review testing and examination reports and* express their views for or against ~~the machine or device.~~ *certification or conditional approval of the voting system.*

(b) The Secretary of State shall give notice of the *public review period and* hearing in the manner prescribed in Section 6064 of the Government Code in a newspaper of general circulation published in Sacramento County. The Secretary of State shall also *provide notice of the hearing on his or her Internet Web site. The Secretary of State shall* transmit written notice of the hearing, at least ~~30~~ *14* days prior to the *public review period and* hearing, to

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each county elections official, to any person that the Secretary of State believes will be interested in the *public review period and* hearing, and to any person who requests, in writing, notice of the *public review period and* hearing.

(c) The decision of the Secretary of ~~State, either approving or withholding approval~~ *State to certify, conditionally approve, or withhold certification* of a voting ~~machine, voting device, or vote tabulating device,~~ *system or part of a voting system* shall be in writing and shall state the findings of the ~~secretary.~~ *Secretary of State.* The decision shall be open to public inspection.

SEC. 17
Repeals Section 19205 of the Elections Code

SEC. 18
Repeals Section 19206 of the Elections Code

SEC. 19
Adds Elections Code 19206
Except as authorized by Section 19209, both of the following apply:
(a) If more than one voting system is used to count ballots, the names of candidates shall, insofar as possible, be placed on the primary voting system.
(b) If more than one voting system or a combination of a voting system and paper ballots is used to count ballots, a single ballot measure or the candidates for a single office may not be split between voting systems or between a voting system and paper ballots.

SEC. 20
Amends & Renumbers Elections Code ~~19207~~ *19213*
Within ~~30~~ *60* days after ~~completing the~~ *the completion of the* examination of ~~any~~ *a* voting system, the Secretary of State shall ~~place on file~~ *make publicly available* a report stating whether ~~in his or her opinion the kind of voting system examined can safely be used.~~ *the voting system has been certified or conditionally approved, or whether certification has been withheld.* The report shall also contain a written or printed description and drawings and photographs *that* clearly ~~identifying~~ *identify* the machine or device and its mechanical operation.

SEC. 21
Repeals Section 19208 of the Elections Code

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SEC. 22
Amends & Renumbers Elections Code ~~19209~~ *19214*

Within 10 days after ~~filing the report, the~~ *issuing and filing a certification decision and associated testing reports, the* Secretary of State shall ~~send a copy to~~ *make available to the public a full and complete copy of the certification report and all associated documentation, except that portions of the report or documentation that contain information that the Secretary of State determines to be confidential or proprietary shall not be made publicly available. The Secretary of State shall also notify* the board of supervisors ~~of each county.~~ *and elections official of each county of the availability of the report and associated documentation.*

SEC. 23
Amends & Renumbers Elections Code ~~19210~~ *19207*

The governing board may adopt for use at elections any kind of voting system, any combination of voting systems, *or* any combination of a voting system and paper ballots, provided that the ~~use of the~~ voting system or systems involved ~~has been~~ *have been certified or conditionally* approved by the Secretary of State or specifically authorized by *law pursuant to Section 19209.*

SEC. 24
Amends & Renumbers Elections Code ~~19211~~ *19209*

(a) For purposes of this section, the following terms have the following meanings:

(1) "Commercial off-the-shelf" means mass-produced, readily available hardware devices, including card readers, printers, or personal computers, and their firmware or software products, including operating systems, programming language compilers, or database management systems.

(2) "Incorrect in part" means a full manual tally of the votes cast on the pilot system would reveal rates of error in the pilot system tally that, if extrapolated to the entire contest, would alter the electoral outcome.

(3) "Partial risk-limiting audit" means a procedure that guarantees a large minimum chance of a full manual tally of the votes cast on the pilot system if the electoral outcome is incorrect in part.

(4) "Risk-limiting audit" means a procedure that ensures a large, predetermined minimum chance of requiring a full manual tally whenever a full manual tally would show an electoral outcome that differs from the outcome reported by the voting system for the audited contest.

(b) The governing board, without formally adopting a ~~system that it might lawfully adopt,~~ *voting system,* may provide for ~~its~~ *the* experimental use ~~at an~~

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~~election in~~ *of the voting system in a pilot program held in* one or more ~~precincts. Its use at the election is as valid for all purposes as if it were lawfully adopted.~~ *precincts at a single election or, in the case of a special election, the special primary election and the special general election, if the voting system complies with either of the following:*

(1) The voting system is certified or conditionally approved prior to its experimental use.

(2) The voting system meets all of the following requirements:

(A) Uses only software and firmware with disclosed source code, except for unmodified commercial off-the-shelf software and firmware.

(B) Meets the requirements of subdivision (b) of Section 19101.

(C) Meets the requirements of the regulations adopted by the Secretary of State pursuant to subdivision (g).

(D) Implements risk-limiting audits.

(c) A voting system that meets all of the requirements of paragraph (2) of subdivision (b) need not be certified or conditionally approved prior to its experimental use in a pilot program if the number of voting system units deployed in the pilot program is limited to the number necessary to test and demonstrate the capabilities of the voting system in a limited number of precincts or locations, including a prudent number of reserve units to ensure that sufficient working units will be available to conduct the pilot program. In no event shall the number of voting system units exceed 50 percent of the estimated number of units that would be required for full deployment of the voting system at every polling place and early voting site in a statewide election throughout the jurisdiction. Capabilities that may be taken into account in determining the number of voting system units reasonably necessary to test and demonstrate the capabilities of the voting system include, but are not limited to, all of the following:

(1) The capability of the voting system to accommodate voting in all languages in which the jurisdiction is required to provide ballots under applicable state and federal laws.

(2) The capability of the voting system to accommodate voting by persons with a broad range of physical and cognitive disabilities, as required by applicable state and federal laws.

(3) The current and projected number of voting-eligible individuals in the jurisdiction.

(4) The geography and distribution of the population in the jurisdiction.

(d) No later than nine months before the election at which the pilot program of a voting system is proposed to be conducted, the governing board shall submit to the Secretary of State a plan for the pilot program. The

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Secretary of State shall approve or reject the plan no later than three months after receipt of the plan.

(e) The votes cast on a voting system during a pilot program pursuant to subdivision (b) shall be subject to risk-limiting audits.

(1) For each contest conducted entirely on the pilot voting system, the jurisdiction conducting the pilot program shall conduct a risk-limiting audit with at least a 90-percent chance of requiring a full manual tally of the contest whenever a full manual tally would show an outcome that differs from the outcome reported by the pilot voting system.

(2) For each contest conducted partially on the pilot voting system, the jurisdiction conducting the pilot program shall conduct a partial risk-limiting audit of the portion of the contest in which the voters cast their votes on the pilot voting system, with at least a 90-percent chance of requiring a full manual tally of all votes cast using the pilot voting system whenever the outcome is incorrect in part.

(3) (A) If a risk-limiting audit of a contest leads to a full manual tally of all of the ballots cast in the contest, then the contest outcome according to that manual tally shall become the official result.

(B) If a partial risk-limiting audit of a contest leads to a full manual tally of the ballots cast using the pilot voting system, the vote counts according to that manual tally shall replace the vote counts reported by the pilot voting system for the purpose of determining the official contest results.

(4) Risk-limiting audit procedures shall comply with all other requirements in regulations adopted by the Secretary of State pursuant to subdivision (g).

(f) Upon completion of the pilot program, the governing board shall notify the Secretary of State in writing of any defect, fault, or failure of the hardware, software, or firmware of the voting system or a part of the voting system.

(g) A voting system pilot program shall not be conducted in a legally binding election without the prior approval of the Secretary of State. The Secretary of State shall adopt and publish regulations governing voting system pilot programs.

SEC. 25
Amends & Renumbers Elections Code ~~19212~~ *19208*

The governing board may provide for the payment of the cost of the voting system equipment in any manner and by any method as it ~~may deem for the best~~ *deems best for* local interests, and also may for that purpose issue bonds, certificates of indebtedness, or other obligations that shall be a charge on the county or city. The bonds, certificates, or other obligations may be issued with or without interest, payable at any time as the authorities may determine, but shall not be issued or sold at less than par. The governing

board may enter into lease agreements or lease-purchase agreements for the use of equipment.

SEC. 26
Amends & Renumbers Elections Code ~~19212.5~~ *19215*
(a) ~~When~~ *If* a voting system or a part of a voting system has been *certified or conditionally* approved by the Secretary of ~~State, the vendor~~ *State or has been federally qualified, the vendor or, in cases where the system is publicly owned, the jurisdiction* shall notify the Secretary of State and all local elections officials who use the system in writing of any defect, fault, or failure of the hardware, software, or firmware of the voting system or a part of the voting system within 30 calendar days after the vendor learns of the defect, fault, or failure.

~~(c)~~ *(b)* After receiving ~~a vendor's~~ *written* notification of a defect, fault, or failure pursuant to subdivision ~~(a) or (b),~~ *(a),* the Secretary of State shall notify the United States Election Assistance Commission or its successor ~~entity~~ *agency* of the problem as soon as practicable so as to present a reasonably complete description of the problem. The Secretary of State shall subsequently submit a report regarding the problem to the United States Election Assistance Commission or its successor ~~entity.~~ *agency.* The report shall include any report regarding the problem submitted to the Secretary of ~~State by the vendor.~~ *State.*

SEC. 27
Amends & Renumbered Elections Code ~~19213~~ *19216*
~~When~~ *If* a voting system or a part of a voting system has been *certified or conditionally* approved by the Secretary of State, it shall not be changed or modified until the Secretary of State has been notified in writing and *has* determined that the change or modification does not impair its accuracy and efficiency sufficient to require a reexamination and ~~reapproval~~ *recertification, or conditional approval,* pursuant to this article. The Secretary of State may adopt rules and regulations governing the procedures to be followed in making his or her determination as to whether the change or modification impairs accuracy or efficiency.

SEC. 28
Amends & Renumbers Elections Code ~~19214~~ *19217*
The Secretary of State may seek injunctive and administrative relief ~~when~~ *if* a voting system or a part of a voting system has been compromised by the addition or deletion of hardware, software, or firmware without prior approval or is defective due to a known hardware, software, or firmware defect, fault,

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or failure that has not been disclosed pursuant to Section ~~19202~~ *19210* or ~~19212.5.~~ *19215.*

SEC. 29
Amends & Renumbers Elections Code ~~19214.5~~ *19218*
    (a) The Secretary of State may seek all of the following relief for an unauthorized change in hardware, software, or firmware in a voting system ~~approved~~ *certified* or conditionally approved in California:
    (1) A civil penalty from the offending party or parties, not to exceed ten thousand dollars ($10,000) per violation. For purposes of this subdivision, each voting system component found to contain the unauthorized hardware, software, or firmware shall be considered a separate violation. A penalty imposed pursuant to this subdivision shall be apportioned 50 percent to the county in which the violation occurred, if applicable, and 50 percent to the ~~Office~~ *office* of the Secretary of State for purposes of bolstering voting systems security efforts.
    (2) Immediate commencement of proceedings to withdraw *certification or conditional* approval for the voting system in question.
    (b) (1) The Secretary of State may seek all of the following relief for a known but undisclosed defect, fault, or failure in a voting system or part of a voting system ~~approved~~ *certified* or conditionally approved in California:
    (C) In addition to any other penalties or remedies established by this section, the offending party or parties shall be liable in the amount of one thousand dollars ($1,000) per day after the applicable deadline established in Section ~~19212.5~~ *19215* until the required disclosure is filed with the Secretary of State.

SEC. 30
Amends & Renumbers Elections Code ~~19215~~ *19219*

SEC. 31
Amends & Renumbers Elections Code ~~19216~~ *19203*
    The Secretary of State shall not ~~approve any voting system~~ *certify or conditionally approve a voting system or a part of a voting system* that uses paper ballots unless the paper used for the ballots is of sufficient quality that it maintains its integrity and readability throughout the retention period specified in Chapter 4 (commencing with Section 17300) of Division 17.

SEC. 32
Amends & Renumbers Elections Code ~~19217~~ *19205*
    A voting system shall comply with all of the following:

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(a) No ~~voting system or~~ part of ~~a~~ _the_ voting system shall be connected to the Internet at any time.

(b) No ~~voting system or~~ part of ~~a~~ _the_ voting system shall electronically receive or transmit election data through an exterior communication network, including the public telephone system, ~~when~~ _if_ the communication originates from or terminates at a polling place, satellite location, or counting center.

(c) No ~~voting system or~~ part of ~~a~~ _the_ voting system shall receive or transmit wireless communications or wireless data transfers.

SEC. 33 _The heading of Article 2 (commencing with Section 19220) of Chapter 3 of Division 19 of the Elections Code is amended and renumbered to read:_

Article 3. Inspection of Certified and Conditionally Approved Voting Systems

SEC. 34
Amends & Renumbers Elections Code ~~19220~~ _19230_
The elections official of any county or city using ~~voting or vote tabulating equipment~~ _a voting system_ shall inspect the machines or devices at least once every two years to determine their accuracy. Any county or city using leased or rented equipment shall determine if the equipment has been inspected for accuracy within the last two years before using it for any election. The inspection shall be made in accordance with regulations adopted and promulgated by the Secretary of State. The elections official shall certify the results of the inspection to the Secretary of State.

SEC. 35 _Article 2 (commencing with Section 19220) is added to Chapter 3 of Division 19 of the Elections Code, to read:_

Article 2. Voting Systems Testing Agencies

Adds Elections Code 19220
For purposes of this division, "state-approved testing agency" means a person or entity that is authorized by the Secretary of State to conduct the testing and examination of a voting system in connection with certification or conditional approval of the voting system pursuant to this division.

Adds Elections Code 19221
The Secretary of State shall do all of the following:

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(a) Publish requirements for the approval of state-approved testing agencies that are authorized to conduct the testing and examination of voting systems. Until the requirements are published, federally accredited voting system laboratories shall be used to conduct testing and examination.

(b) Approve and publish a list of authorized state-approved testing agencies.

Adds Elections Code 19222

The person, corporation, or public agency applying for certification of a voting system is responsible for all costs associated with the testing of the voting system.

SEC. 36

Amends & Renumbers Elections Code ~~19221~~ *19231*

(a) If the Secretary of State has reason to believe that a local inspection of equipment is not adequate, he or she may cause the equipment to be reexamined, at any time prior to six months before a statewide election, to ~~insure that they~~ *ensure that the voting system or parts of the voting system perform to adopted standards and* tabulate votes accurately.

(b) For the purpose of reexamining voting ~~equipment~~ *equipment,* the Secretary of State may ~~employ not more than three~~ *use state-approved testing agencies or* expert technicians at ~~a cost to be determined by the Secretary of State. The compensation of the technicians shall be paid by the county using the equipment examined.~~ *the cost of the elections official.*

(c) The Secretary of State ~~may make all arrangements for the time and place to examine the voting equipment, and~~ shall furnish a complete report of the findings ~~of the examining engineers~~ to the Governor, to the Attorney General, to each county elections official, to the ~~chairmen~~ *chairpersons* of the elections committees of the Assembly and Senate, and to the manufacturer of the equipment.

SEC. 37

Amends & Renumbers Elections Code ~~19222~~ *19232*

The Secretary of State shall review voting systems periodically to determine if they are defective, obsolete, or otherwise unacceptable. The Secretary of State has the right to withdraw his or her *certification or conditional* approval previously granted under this chapter of any voting system or part of a voting system should it be defective or prove unacceptable after such review. Six months' notice shall be given before withdrawing *certification or conditional* approval unless the Secretary of State for good cause shown makes a determination that a shorter notice period is

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necessary. Any withdrawal by the Secretary of State of his or her previous *certification or conditional* approval of a voting system or part of a voting system shall not be effective as to any election conducted within six months of that withdrawal.

SEC. 38
Amends & Renumbers Elections Code ~~19223~~ *19233*

The Secretary of State shall conduct random audits of the software installed on direct recording electronic voting systems, as defined in Section ~~19251,~~ *19271,* to ensure that the installed software is identical to the software that has been approved for use on that voting system. The Secretary of State shall take steps to ensure that the process for conducting random audits does not intentionally cause a direct recording electronic voting system to become more vulnerable to any unauthorized changes to the software that has been approved for its use.

SEC. 39 The heading of Article 2.5 (commencing with Section 19225) of Chapter 3 of Division 19 of the Elections Code is amended and renumbered to read:

Article 4. Accessible Voting Systems

SEC. 40
Amends & Renumbers Elections Code ~~19225~~ *19240*

~~(d)~~ *It* ~~Software and hardware adaptations have been created so that voters can interact with voting technology and systems through both visual and nonvisual means allowing~~ *is the intent of the Legislature that California voting system standards and elections comply with the provisions of the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.) that require voting systems be accessible for individuals with disabilities, including nonvisual accessibility for the* blind and visually ~~impaired people to cast a secret ballot and independently verify their vote.~~ *impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as provided to other voters who are not disabled.*

SEC. 41
Amends & Renumbers Elections Code ~~19226~~ *19241*

As used in this article:

(a) "Access" means the ability to receive, use, select, and manipulate data and operate controls included in voting technology and systems.

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(b) "Nonvisual" means synthesized speech, braille, and other output methods *that do* not ~~requiring~~ *require* sight.

SEC. 42
Amends & Renumbers Elections Code ~~19227~~ *19242*
(a) The Secretary of State shall adopt *and publish* rules and regulations governing any voting technology and systems used by the state or any political subdivision that provide ~~blind and visually impaired individuals with access that is equivalent to that provided to individuals who are not blind or visually impaired, including the ability for the voter to cast and verify all selections made by both visual and nonvisual means.~~ *voters with disabilities the access required under the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.).*

(b) At each polling place, at least one voting unit ~~approved pursuant to subdivision (a)~~ *certified or conditionally approved* by the Secretary of State shall provide ~~access to individuals who are blind or visually impaired.~~ *voters with disabilities the access required under the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.).*

(c) A local agency is not required to comply with subdivision (b) *in an election in which a candidate for federal office does not appear on the ballot* unless sufficient funds are available to implement that provision. Funds received from the proceeds of the Voting Modernization Bond Act of 2002 (Article ~~3~~ *5* (commencing with Section ~~19230)),~~ *19250)),* from federal funds made available to purchase new voting systems, or from any other source except the General Fund, shall be used for that purpose.

SEC. 43
Amends & Renumbers Elections Code ~~19227.5~~ *19243*
In requiring ~~nonvisual access~~ *access for voters with disabilities* pursuant to this article, the Secretary of State shall obtain recommendations from representatives of blind consumer organizations, experts in accessible software and hardware design, and any other individual or organization the Secretary of State determines to be appropriate.

SEC. 44
Amends & Renumbers Elections Code ~~19228~~ *19244*

SEC. 45
Amends & Renumbers Elections Code ~~19229~~ *19245*
(a) A person injured by a violation of this article may maintain an action for injunctive relief to enforce this article.

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(b) An action for injunctive relief shall be commenced within four years after the cause of action accrues.

(c) For ~~the~~ purposes of this section, a cause of action for a continuing violation accrues at the time of the latest violation

SEC. 46
Amends & Renumbers Elections Code ~~19229.5~~ *19246*
This article does not apply to voting by vote by mail ballot.

***SEC. 47** The heading of Article 3 (commencing with Section 19230) of Chapter 3 of Division 19 of the Elections Code is amended and renumbered to read:*

Article 5. Voting Modernization Bond Act of 2002 (Shelley-Hertzberg Act)

SEC. 48
Amends & Renumbers Elections Code ~~19230~~ *19250*
This article shall be known and may be cited as the Voting Modernization Bond Act of 2002 (Shelley-Hertzberg Act).

SEC. 49
Amends & Renumbers Elections Code ~~19231~~ *19251*

SEC. 50
Amends & Renumbers Elections Code ~~19232~~ *19252*
As used in this ~~article, the following words have the following meanings:~~ *article:*
(a) "Board" means the Voting Modernization Board, established pursuant to Section ~~19235.~~ *19256.*
(b) "Bond" means a state general obligation bond issued pursuant to this article adopting the provisions of the State General Obligation Bond Law.
(c) "Bond act" means this article authorizing the issuance of state general obligation bonds and adopting the State General Obligation Bond Law by reference.
(d) "Committee" means the Voting Modernization Finance Committee, established pursuant to Section ~~19233.~~ *19253.*
(e) "Fund" means the Voting Modernization Fund, created pursuant to subdivision (b) of Section ~~19234.~~ *19254.*

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(f) "Voting system" means any voting machine, voting device, or ~~vote-tabulating~~ *vote tabulating* device that does not ~~utilize~~ *use* prescored punch card ballots.

SEC. 51
Amends & Renumbers Elections Code ~~19233~~ *19253*

(a) The Voting Modernization Finance Committee is hereby established for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this article.

(b) The committee consists of the Controller, the Director of Finance, and the Treasurer, or their designated representatives, all of whom shall serve ~~thereon~~ without compensation, and a majority of whom shall constitute a quorum. The Treasurer shall serve as chairperson of the committee. A majority of the committee may act for the committee.

(c) For purposes of this article, the Voting Modernization Finance Committee is "the committee" as that term is used in the State General Obligation Bond Law.

SEC. 52
Amends & Renumbers Elections Code ~~19234~~ *19254*

(3) The county has not previously requested fund money for the purchase of a new voting system. Applications for expansion of an existing system or components related to a previously *certified or conditionally* approved application shall be accepted.

(d) *(1)* Fund moneys shall only be used to purchase systems certified *or conditionally approved* by the Secretary of ~~State, pursuant to Division 19 (commencing with Section 19001), and in no event shall fund moneys be used to purchase a voting system that utilizes prescored punch card ballots.~~ *State.*

(2) A county may use fund moneys to contract and pay for the following:

(A) Research and development of a new voting system that has not been certified or conditionally approved by the Secretary of State and uses only nonproprietary software and firmware with disclosed source code, except for unmodified commercial off-the-shelf software and firmware, as defined in paragraph (1) of subdivision (a) of Section 19209.

(B) Manufacture of the minimum number of voting system units reasonably necessary for either of the following purposes:

(i) To test and seek certification or conditional approval for the voting system pursuant to Sections 19210 to 19214, inclusive.

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(ii) To test and demonstrate the capabilities of the voting system in a pilot program pursuant to paragraph (2) of subdivision (b) of, and subdivision (c) of, Section 19209.

(3) Fund moneys shall not be used to purchase a voting system that uses prescored punch card ballots.

(e) Any voting system purchased using bond funds that does not require a voter to directly mark on the ballot must produce, at the time the voter votes his or her ballot or at the time the polls are closed, a paper version or representation of the voted ballot or of all the ballots cast on a unit of the voting system. The paper version shall not be provided to the voter but shall be retained by elections officials for use during the 1 percent manual recount or other ~~recount~~ *recount, audit,* or contest.

SEC. 53
Amends & Renumbers Elections Code ~~19234.5~~ *19255*

The Legislature may amend subdivisions (c) and (d) of Section ~~19234~~ *19254* and Section ~~19235~~ *19256* by a statute, passed in each house of the Legislature by rollcall vote entered in the respective journals, by not less than two-thirds of the membership in each house concurring, if the statute is consistent with, and furthers the purposes of, this article.

SEC. 54
Amends & Renumbers Elections Code ~~19235~~ *19256*

The Voting Modernization Board is hereby established and designated the "board" for purposes of the State General Obligation Bond Law, and for purposes of administering the Voting Modernization Fund. The board consists of five members, three selected by the ~~Governor,~~ *Governor* and two selected by the Secretary of State. The board shall have the authority to reject any application for fund money it deems inappropriate, excessive, or that does not comply with the intent of this article. A county whose application is rejected shall be allowed to submit an amended application.

SEC. 55
Amends & Renumbers Elections Code ~~19236~~ *19257*

(a) All bonds authorized by this article, when duly sold and delivered as provided herein, constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the ~~State of California~~ *state* is hereby pledged for the punctual payment of both principal and interest thereof. The bonds issued pursuant to this article shall be repaid within 10 years from the date they are issued.

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(b) There shall be collected annually, in the same manner and at the same time as other state revenue is collected, a sum of money, in addition to the ordinary revenues of the state, sufficient to pay the principal of, and interest on, ~~these~~ *the* bonds as provided herein. All officers required by law to perform any duty in regard to the collection of state revenues shall collect this additional sum.

(c) On the dates on which funds are remitted pursuant to Section 16676 of the Government Code for the payment of the then maturing principal of, and interest on, the bonds in each fiscal year, there shall be returned to the General Fund all of the money in the fund, not in excess of the principal of, and interest on, any bonds then due and payable. If the money so returned on the remittance dates is less than the principal and interest then due and payable, the balance remaining unpaid shall be returned to the General Fund out of the fund as soon as it shall become available, together with interest thereon from the dates of maturity until returned, at the same rate of interest as borne by the bonds, compounded semiannually. This subdivision does not grant any lien on the fund or the moneys therein to holders of any bonds issued under this article. However, this subdivision shall not apply in the case of any debt service that is payable from the proceeds of any refunding bonds. For ~~the~~ purposes of this subdivision, "debt service" means the principal (whether due at maturity, by redemption, or acceleration), premium, if any, or interest payable on any date to any series of bonds.

SEC. 56
Amends & Renumbers Elections Code ~~19237~~ *19258*

(b) That sum necessary to carry out Section ~~19238,~~ *19259,* appropriated without regard to fiscal years.

SEC. 57
Amends & Renumbers Elections Code ~~19238~~ *19259*

For ~~the~~ purposes of this article, the Director of Finance may, by executive order, authorize the withdrawal from the General Fund of a sum of money not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold pursuant to this article. Any sums withdrawn shall be deposited in the fund. All moneys made available under this section to the board shall be returned by the board to the General Fund, plus the interest that the amounts would have earned in the Pooled Money Investment Account, from the sale of bonds for the purpose of carrying out this article.

*Full text can be obtained from www.leginfo.ca.gov

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SEC. 58
Amends & Renumbers Elections Code ~~19239~~ *19260*

The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for the ~~purposes~~ *purpose* of carrying out this article. The amount of the request shall not exceed the amount of unsold bonds which the committee has, by resolution, authorized to be sold for the purpose of carrying out this article. The board shall execute whatever documents are required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this article.

SEC. 59
Amends & Renumbers Elections Code ~~19240~~ *19261*

Upon request of the board, supported by a statement of its plans and projects approved by the Governor, the committee shall determine whether to issue any bonds authorized under this article in order to carry out the board's plans and ~~projects,~~ *projects* and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out these plans and projects progressively, and it is not necessary that all of the bonds be issued or sold at any one time.

SEC. 60
Amends & Renumbers Elections Code ~~19241~~ *19262*

SEC. 61
Amends & Renumbers Elections Code ~~19242~~ *19263*

Out of the first money realized from the sale of bonds as provided ~~herein,~~ *by this article,* there shall be redeposited in the General Obligation Bond Expense Revolving Fund, established by Section 16724.5 of the Government Code, the amount of all expenditures made for ~~the~~ purposes specified in that section, and this money may be used for the same purpose and repaid in the same manner whenever additional bond sales are made.

SEC. 62
Amends & Renumbers Elections Code ~~19243~~ *19264*

SEC. 63
Amends & Renumbers Elections Code ~~19244~~ *19265*

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SEC. 64
Amends & Renumbers Elections Code ~~19245~~ *19266*

SEC. 65 The heading of Article 4 (commencing with Section 19250) of Chapter 3 of Division 19 of the Elections Code is amended and renumbered to read:

Article 6. Direct Recording Electronic Voting Systems

SEC. 66
Amends & Renumbers Elections Code ~~19250~~ *19270*

(a) ~~On and after January 1, 2005, the~~ *The* Secretary of State shall not *certify or conditionally* approve a direct recording electronic voting system unless the system ~~has received federal qualification and~~ includes an accessible voter verified paper audit trail.

(b) On and after January 1, 2006, a city or county shall not contract for or purchase a direct recording electronic voting system unless the system has ~~received federal qualification and includes an accessible voter verified paper audit trail.~~ *been certified or conditionally approved for use by the Secretary of State.*

(c) As of January 1, 2006, all direct recording electronic voting systems in use on that date, regardless of ~~when~~ *the date it was* contracted for or purchased, shall have received federal qualification and include an accessible voter verified paper audit trail. If the direct recording electronic voting system does not ~~already~~ include an accessible voter verified paper audit trail, the system shall be replaced or modified to include an accessible voter verified paper audit trail.

SEC. 67
Amends & Renumbers Elections Code ~~19251~~ *19271*

~~For purposes of this article, the following terms shall have the following meanings:~~ *As used in this article:*

(d) "Federal qualification" means the system has been certified, if applicable, by means of qualification testing by a ~~Nationally Recognized Test Laboratory~~ *nationally recognized test laboratory* and has met or exceeded the minimum requirements set forth in the Performance and Text Standards for Punch Card, Mark Sense, and Direct Recording Electronic Voting Systems, or in any successor voluntary standard document, developed and promulgated by the Federal Election Commission, the Election Assistance Commission, or the National Institute of Standards and Technology.

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*Full text can be obtained from www.leginfo.ca.gov

SEC. 68
Amends & Renumbers Elections Code ~~19252~~ _19272_

To the extent that they are available for expenditure for the purposes of this article, federal funds or moneys from the Voting Modernization Fund, created pursuant to subdivision (b) of Section ~~19234,~~ _19254,_ shall be used. No moneys from the General Fund shall be expended for the purposes of this article.

SEC. 69
Amends & Renumbers Elections Code ~~19253~~ _19273_

(b) (1) The voter verified paper audit trail shall be considered the official paper audit record and shall be used for the required 1-percent manual tally described in Section 15360 and any full ~~recount.~~ _recount or post-election audit._

(2) The voter verified paper audit trail shall govern if there is any difference between it and the electronic record during a 1-percent manual ~~tally or full recount.~~ _tally, full recount, or post-election audit._

SEC. 70
Amends & Renumbers Elections Code ~~19254~~ _19274_

The Secretary of State shall not _certify or conditionally_ approve a direct recording electronic voting system unless the paper used for its voter verified paper audit trail is of sufficient quality that it maintains its integrity and readability throughout the retention period specified in Chapter 4 (commencing with Section 17300) of Division 17.

SEC. 71
Amends & Renumbers Elections Code ~~19255~~ _19275_

SEC. 72 _The heading of Chapter 3.5 (commencing with Section 19260) of Division 19 of the Elections Code is amended to read:_

CHAPTER 3.5 Certification of Ballot Marking Systems

SEC. 73
Amends & Renumbers Elections Code ~~19260~~ _19280_

The Secretary of State shall not ~~approve any~~ _certify or conditionally approve a_ ballot marking system, or part of a ballot marking system, unless it fulfills the requirements of this code and the regulations of the Secretary of State.

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SEC. 74
Amends & Renumbers Elections Code ~~19261~~ *19281*

(a) A ballot marking system, in whole or in part, shall not be used unless it has ~~received the approval of the~~ *been certified or conditionally approved by the* Secretary of State prior to the election at which it is to be first used.

(b) ~~A jurisdiction shall not purchase or contract for~~ *All other uses of* a ballot marking ~~system, in whole or in part, unless it has received the approval of the Secretary of State.~~ *system shall be subject to the provisions of Section 19202.*

SEC. 75
Amends & Renumbers Elections Code ~~19262~~ *19284*

(a) A ~~person or corporation~~ *person, corporation, or public agency* owning or having an interest in *the sale or acquisition of* a ballot marking system or a part of a ballot marking system may apply to the Secretary of State ~~to examine it and report on its~~ *for certification or conditional approval that includes testing and examination of the applicant's system and a report on the findings, which shall include the* accuracy and efficiency ~~to fulfill its purpose.~~ *of the ballot marking system.* As part of its application, the ~~vendor~~ *applicant* of a ballot marking system or a part of a ballot marking system shall notify the Secretary of State in writing of any known defect, fault, or failure of the version of the hardware, software, or firmware of the ballot marking system or a part of the ballot marking system submitted. The Secretary of State shall not begin his or her ~~examination~~ *certification process* until he or she receives a completed application from the ~~vendor~~ *applicant* of the ballot marking system or a part of the ballot marking system. The ~~vendor~~ *applicant* shall also notify the Secretary of State in writing of any defect, fault, or failure of the version of the hardware, software, or firmware of the ballot marking system or a part of the ballot marking system submitted that is discovered after the application is submitted and before the Secretary of State submits the report required by Section ~~19267.~~ *19288.* The Secretary of State shall complete his or her examination without undue delay.

(b) After receiving ~~a vendor's~~ *an applicant's* written notification of a defect, fault, or failure, the Secretary of State shall notify the United States Election Assistance Commission or its successor entity of the problem as soon as practicable so as to present a reasonably complete description of the problem. The Secretary of State shall subsequently submit a report regarding the problem to the United States Election Assistance Commission or its successor entity. The report shall include any report regarding the problem submitted to the Secretary of State by the ~~vendor.~~ *applicant.*

(c) ~~The following definitions apply for purposes of~~ *As used in* this chapter:

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(1) "Defect" means any flaw in the hardware or documentation of ~~an approved or conditionally approved~~ _a_ ballot marking system that could result in a state of unfitness for use or nonconformance to the manufacturer's ~~specifications.~~ _specifications or applicable law._

(2) "Failure" means a discrepancy between the external results of the operation of any software or firmware in ~~an approved or conditionally approved~~ _a_ ballot marking system and the manufacturer's product requirements for that software or ~~firmware.~~ _firmware or applicable law._

(3) "Fault" means a step, process, or data definition in any software or firmware in ~~an approved or conditionally approved~~ _a_ ballot marking system that is incorrect under the manufacturer's program ~~specification.~~ _specification or applicable law._

SEC. 76
Amends & Renumbers Elections Code ~~19263~~ _19285_

The Secretary of State ~~may make all arrangements for the time and place~~ _shall use a state-approved testing agency or expert technicians_ to examine ballot marking systems proposed ~~to be sold~~ _for use or sale_ in this state. He or she shall furnish a complete report of the findings of the ~~examining engineers~~ _examination and testing_ to the Governor and the Attorney General.

SEC. 77
Amends & Renumbers Elections Code ~~19264~~ _19287_

(a) Prior to ~~giving~~ _publishing_ his or her decision ~~approving or withholding approval of any~~ _to certify, conditionally approve, or withhold certification of a_ ballot marking system, the Secretary of State shall ~~hold~~ _provide for_ a ~~public~~ _30-day public review period and conduct a public_ hearing to give interested persons an opportunity to _review testing and examination reports and_ express their views for or against ~~the~~ _certification or conditional approval of the ballot marking_ system.

(b) The Secretary of State shall give notice of the _public review period and_ hearing in the manner prescribed in Section 6064 of the Government Code in a newspaper of general circulation published in Sacramento County. The Secretary of State shall also _provide notice of the hearing on his or her Internet Web site. The Secretary of State shall_ transmit written notice of the hearing, at least ~~30~~ _14_ days prior to the _public review period and_ hearing, to each county elections official, to any person that the Secretary of State believes will be interested in the _public review period and_ hearing, and to any person who requests, in writing, notice of the _public review period and_ hearing.

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(c) The decision of the Secretary of ~~State, either approving or withholding approval~~ *State to certify, conditionally approve, or withhold certification* of a ballot marking ~~system,~~ *system* shall be in writing and shall state the findings of the Secretary of State. The decision shall be open to public inspection.

SEC. 78
Repeals Section 19265 of the Elections Code

SEC. 79
Repeals Section 19266 of the Elections Code

SEC. 80
Amends & Renumbers Elections Code ~~19267~~ *19288*
Within ~~30~~ *60* days after ~~completing the~~ *the completion of the* examination of ~~any~~ *a* ballot marking system, the Secretary of State shall ~~place on file~~ *make publicly available* a report stating ~~whether, in his or her opinion, the kind of~~ *whether the* ballot marking system ~~examined can safely be used. The report shall also contain a written or printed description and drawings and photographs clearly identifying the system and its operation.~~ *has been certified or conditionally approved, or whether certification has been withheld.*

SEC. 81
Repeals Section 19268 of the Elections Code

SEC. 82
Amends & Renumbers Elections Code ~~19269~~ *19289*
Within 10 days after ~~filing the report, the~~ *issuing and filing a certification decision and associated testing reports, the* Secretary of State shall ~~send a copy to~~ *make available to the public a full and complete copy of the certification report and all associated documentation, except that portions of the report or documentation that contain information that the Secretary of State determines to be confidential or proprietary shall not be made publicly available. The Secretary of State shall notify* the board of supervisors ~~of each county.~~ *and elections official of each county of the availability of the report and associated documentation.*

SEC. 83
Amends & Renumbers Elections Code ~~19270~~ *19290*
(a) ~~When~~ *If* a ballot marking system has been *certified or conditionally* approved by the Secretary of State, the vendor *or, in cases where the system is publicly owned, the jurisdiction* shall notify the Secretary of State and all

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local elections officials who use the system in writing of any defect, fault, or failure of the hardware, software, or firmware of the system or a part of the system within 30 calendar days after the vendor *or jurisdiction* learns of the defect, fault, or failure.

(b) After receiving ~~a vendor's~~ written notification of a defect, fault, or failure pursuant to subdivision (a), the Secretary of State shall notify the United States Election Assistance Commission or its successor entity of the problem as soon as practicable so as to present a reasonably complete description of the problem. The Secretary of State shall subsequently submit a report regarding the problem to the United States Election Assistance Commission or its successor entity. The report shall include any report regarding the problem submitted to the Secretary of ~~State by the vendor.~~ *State.*

SEC. 84
Amends & Renumbers Elections Code ~~19271~~ *19291*

~~When~~ *If* a ballot marking system has been *certified or conditionally* approved by the Secretary of State, it shall not be changed or modified until the Secretary of State has been notified in writing and has determined that the change or modification does not impair its accuracy and efficiency sufficient to require a reexamination and *recertification or* reapproval pursuant to this chapter. The Secretary of State may adopt rules and regulations governing the procedures to be followed in making his or her determination as to whether the change or modification impairs accuracy or efficiency.

SEC. 85
Amends & Renumbers Elections Code ~~19272~~ *19292*

The Secretary of State may seek injunctive and administrative relief ~~when~~ *if* a ballot marking system has been compromised by the addition or deletion of hardware, software, or firmware without prior approval or is defective due to a known hardware, software, or firmware defect, fault, or failure that has not been disclosed pursuant to Section ~~19270.~~ *19284 or 19290.*

SEC. 86
Amends & Renumbers Elections Code ~~19273~~ *19293*

(a) The Secretary of State may seek all of the following relief for an unauthorized change in hardware, software, or firmware in a ballot marking system ~~approved~~ *certified* or conditionally approved in California:

(2) Immediate commencement of proceedings to withdraw *certification or conditional* approval for the ballot marking system in question.

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(b) (1) The Secretary of State may seek all of the following relief for a known but undisclosed defect, fault, or failure in a ballot marking system or part of a ballot marking system ~~approved~~ _certified_ or conditionally approved in California:

(C) In addition to any other penalties or remedies established by this section, the offending party or parties shall be liable in the amount of one thousand dollars ($1,000) per day after the applicable deadline established in Section ~~19270~~ _19290_ until the required disclosure is filed with the Secretary of State.

SEC. 87
Amends & Renumbers Elections Code ~~19274~~ _19294_

(a) The Secretary of State may seek injunctive relief requiring an elections official, or any vendor or manufacturer of a ballot marking system, to comply with the requirements of this code, the regulations of the Secretary of State, and the specifications for the ballot marking ~~system,~~ _system_ and its software, including the programs and procedures for vote marking and testing.

(b) Venue for a proceeding under this section shall be exclusively in Sacramento County

SEC. 88
Amends & Renumbers Elections Code ~~19275~~ _19295_

SEC. 89
Adds Elections Code 19282

The Secretary of State shall not certify or conditionally approve any ballot marking system that includes features that permit a voter to produce, and leave the polling place with, a copy or facsimile of the ballot cast by the voter at that polling place.

SEC. 90
Adds Elections Code 19283

(a) The Secretary of State shall adopt and publish standards and regulations governing the use of ballot marking systems. The Secretary of State may also adopt, in whole or in part, voluntary federal ballot marking voting system standards established by the United States Election Assistance Commission or its successor agency.

(b) Ballot marking system standards adopted by the Secretary of State pursuant to subdivision (a) shall include, but not be limited to, all of the following requirements:

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(1) The machine or device and its software shall be suitable for the purpose for which it is intended.

(2) The ballot marking system shall preserve the secrecy of the ballot.

(3) The ballot marking system shall be safe from fraud or manipulation.

(4) The ballot marking system shall be accessible to voters with disabilities and to voters who require assistance in a language other than English if the language is one in which a ballot or ballot materials are required to be made available to voters.

SEC. 91
Adds Elections Code 19286

The person, corporation, or public agency applying for certification of a ballot marking system is responsible for all costs associated with the testing and examination of the ballot marking system.

SEC. 92. Section 6.5 of this bill shall only become operative if (1) this bill and Assembly Bill 214 are both enacted and become effective on or before January 1, 2014, and (2) Assembly Bill 214 adds Section 19104 to the Elections Code, in which case Section 6 of this bill shall not become operative.

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VOTING PROCEDURES: NATURAL DISASTERS

Senate Bill 362
Chapter 566

CURRENT PROVISIONS:
Existing law designates the Secretary of State as the chief elections officer of the state and requires him or her to study and adopt regulations governing the use of voting machines, voting devices, vote tabulating devices, and ballot marking systems.

Existing law establishes procedures for the marking and counting of ballots in the case of electrical failure or other emergency.

NEW PROVISIONS:
Makes legislative findings relating to natural disasters outside California and their effect on a state resident's ability to vote.

Provides that upon the declaration of an out-of-state emergency by the Governor and the issuance of an executive order authorizing an out-of-state

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emergency worker, as defined, to cast a ballot outside of his or her home precinct, require a county elections official to issue an out-of-state emergency worker a vote by mail ballot upon that worker's request.

SECTIONS AFFECTED:

SECTION 1.
The Legislature finds and declares all of the following:

(a) Natural disasters outside California can affect a state resident's ability to vote. Earthquakes, hurricanes, and other disasters can destroy or damage election infrastructure, including the electrical and telecommunications grid and polling places, disrupt the delivery of vote by mail ballots by the United States Postal Service, and displace election officials and interrupt their duties.

(b) California residents volunteer to help victims of natural disasters, including their family members. California voters, such as firefighters, police officers, National Guardsmen, utility workers, and average citizens travel to areas affected by disasters for extended periods of time to help with recovery efforts that can include other states and countries. Disasters and volunteer efforts can occur close to an election and affect a volunteer's ability to vote.

(c) Currently, neither the Governor, the Secretary of State, nor county elections officials have the authority to establish procedures and guidelines to specifically allow residents affected by an out-of-state disaster to vote.

Adds Elections Code 336.7

"Out-of-state emergency worker" means a voter who is officially engaged in responding to the proclamation of an out-of-state emergency and whose vocation has been identified in an executive order relating to the state of emergency.

Adds Elections Code 3021.5

(a) Upon the declaration of an out-of-state emergency by the Governor and the issuance of an executive order authorizing an out-of-state emergency worker to cast a ballot outside of his or her home precinct, a county elections official shall, upon request of an out-of-state emergency worker pursuant to this chapter, issue a vote by mail ballot to the out-of-state emergency worker using a process to be determined by that elections official. The process shall include all of the following:

(1) Authorization for an out-of-state emergency worker to request a vote by mail ballot after the close of the vote by mail ballot application period specified in Section 3001.

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(2) Authorization for a vote by mail ballot and accompanying voting materials to be sent to an out-of-state emergency worker by mail, facsimile transmission, or electronic transmission, as requested by the out-of-state emergency worker. An elections official may use reasonable facsimiles of the sample ballots sent to voters as vote by mail ballots.

(3) A requirement that an out-of-state emergency worker mark the vote by mail ballot provided to him or her, place it in the vote by mail ballot identification envelope, and return the vote by mail ballot to the elections official from whom it was obtained. If no identification envelope is provided, the envelope used to return the vote by mail ballot to the elections official shall include the information required by subdivision (a) of Section 3011 and a statement signed under penalty of perjury that the voter is an out-of-state emergency worker.

(b) In order to be counted, a vote by mail ballot cast pursuant to this section shall be received in compliance with Section 3020.

(c) An elections official shall receive and canvass vote by mail ballots cast pursuant to this section by the same procedure as for all other vote by mail ballots cast pursuant to this chapter.

LOCAL GOVERNMENT: ASSESSMENT: ELECTIONS PROCEDURES

Senate Bill 553
Chapter 215

CURRENT PROVISIONS:
Articles XIII C and XIII D of the California Constitution generally require that assessments, fees, and charges be submitted to property owners for approval or rejection after the provision of written notice and the holding of a public hearing.

The Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with Articles XIII C and XIII D of the California Constitution.

Existing statutory law provides notice, protest, and hearing procedures for the levying of new or increased assessments, fees, and charges by local government agencies pursuant to Articles XIII C and XIII D of the California Constitution.

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*Full text can be obtained from www.leginfo.ca.gov

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.

NEW PROVISIONS:

Requires a county elections official to conduct an election where a proposed fee or charge is submitted to the registered voters residing in the affected area for approval.

Requires that if a local government agency opts to submit the proposed fee or charge for approval by a vote of the subject property owners, as provided, that specified procedures be applied regarding the form and tabulation of ballots.

SECTION AFFECTED:

Adds Government Code 53755.5

When an agency proposes to impose or increase any fee or charge subject to Section 6 of Article XIII D of the California Constitution that is not exempt from the requirements of subdivision (c) of Section 6 of Article XIII D of the California Constitution, the following procedures, in addition to any other procedures adopted by the agency pursuant to subdivision (c) of Section 6 of Article XIII D of the California Constitution, shall apply to the election:

(a) If the agency opts to submit the proposed fee or charge for approval by a two-thirds vote of the registered voters residing in the affected area, the election shall be conducted by the agency's elections official or his or her designee. If the election is conducted by the county elections official, the agency, if other than the county, shall reimburse the county for the actual and reasonable costs incurred by the county elections official in conducting the election.

(b) If the agency opts to submit the proposed fee or charge for approval by a majority vote of the property owners who will be subject to the fee or charge, then in addition to the procedures set forth in Section 6 of Article XIII D of the California Constitution, the following procedures shall apply to the election:

(1) On the face of the envelope in which the notice of election and ballot are mailed, there shall appear in substantially the following form in no smaller than 16-point bold type: "OFFICIAL BALLOT ENCLOSED." Below that, an agency may repeat the phrase "OFFICIAL BALLOT ENCLOSED" in a language or languages other than English.

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(2) The ballot shall include the agency's address for return of the ballot, the date and location where the ballots will be tabulated, and a place where the person returning it may indicate his or her name, a reasonable identification of the parcel, and his or her support or opposition to the proposed fee. The ballots shall be tabulated in a location accessible to the public. The ballot shall be in a form that conceals its content once it is sealed by the person submitting it. The ballot shall remain sealed until the ballot tabulation pursuant to paragraph (3) commences.

(3) An impartial person designated by the agency who does not have a vested interest in the outcome of the proposed fee shall tabulate the ballots submitted in support of or opposition to the proposed fee. For the purposes of this section, an impartial person includes, but is not limited to, the clerk of the agency. If the agency uses agency personnel for the ballot tabulation, or if the agency contracts with a vendor for the ballot tabulation and the vendor or its affiliates participated in the research, design, engineering, public education, or promotion of the fee, the ballots shall be unsealed and tabulated in public view to permit all interested persons to meaningfully monitor the accuracy of the tabulation process.

(4) The ballot tabulation may be continued to a different time or different location accessible to the public, provided that the time and location are announced at the location at which the tabulation commenced and posted by the agency in a location accessible to the public. The impartial person may use technological methods to tabulate the ballots, including, but not limited to, punchcard or optically readable (bar-coded) ballots. During and after the tabulation, the ballots and, if applicable, the information used to determine the weight of each ballot, shall be treated as public records, as defined in Section 6252, subject to public disclosure and made available for inspection by any interested person. The ballots shall be preserved for a minimum of two years, after which they may be destroyed as provided in Sections 26202, 34090, and 60201.

(c) The proceedings described in subdivision (b) shall not constitute an election or voting for purposes of Article II of the California Constitution or of the Elections Code.

(d) This section shall become operative on July 1, 2014*.*

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VOTE BY MAIL BALLOTS: SAMPLE BALLOTS

Senate Bill 589
Chapter 280

SB 589

CURRENT PROVISIONS:

*Full text can be obtained from www.leginfo.ca.gov

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, the elections official is required to deposit the ballot in a ballot container.

Requires that the ballot not be counted and that the cause of the rejection be written on the face of the identification envelope, if the ballot is rejected because the signatures do not compare.

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.

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.

Requires the elections official to mail a sample ballot to each voter who registered at least 29 days prior to the election.

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.

NEW PROVISIONS:

Requires 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.

Requires 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.

Permits 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.

Permits the elections official to elect not to mail a sample ballot to a voter if specified conditions are satisfied.

Permit the elections official to cause to be printed one less copy of the sample ballot for each voter to whom the elections official elects not to mail a sample ballot.

Requires that if a county elections official elects not to mail a sample ballot to a voter, the elections official is required 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.

SECTIONS AFFECTED:

Adds Elections Code 3019.5

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

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

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

Adds Elections Code 13305

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

(1) The voter is one of the following:

(A) A permanent vote by mail voter pursuant to Chapter 3 (commencing with Section 3200) of Division 3.

(B) A voter in a mail ballot election conducted pursuant to Division 4 (commencing with Section 4000).

SB 589

Changes in or additions to text are shown by <u>underlined *italics*</u>, deletions by ~~strikeouts~~, and new law text is shown *italicized* with no underlining.

*Full text can be obtained from www.leginfo.ca.gov

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(C) A voter in a precinct in which an election is conducted pursuant to Section 3005.

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

(A) An application for a vote by mail ballot.

(B) A notice that a vote by mail ballot application is enclosed.

(3) The voter is furnished with an official ballot pursuant to Section 3005 or 3010.

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

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

SB 589

Section Four

VETOED BILLS

BILL NO.	AUTHOR	SUBJECT	DATE
AB 857	Fong	Initiatives: Petition Circulators	10/12/2013
SB 654	Leno	Ballot Measure Petitions: Recall Petitions: Translations	10/11/2013

Total Count: 2

Section Four

VETOED MESSAGES

BILL NUMBER: California Assembly Bill No. 857

VETOED DATE: October 12, 2013

To the Members of the California State Assembly:

I am returning Assembly Bill 857 without my signature.

The initiative process is far from perfect and monied interests have historically manipulated it at will. Nevertheless, fixing the system is not easy.

Requiring a specific threshold of signatures to be gathered by volunteers will not stop abuses by narrow special interests - particularly if "volunteer" is defined with the broad exemptions as in this bill.

Efforts to make the system fairer and more reflective of sound government should be considered. But this measure falls short of returning to the citizen-driven system originally envisioned in 1911.

Sincerely,

Edmund G. Brown Jr.

BILL NUMBER: California Senate Bill No. 654

VETOED DATE: October 11, 2013

To the Members of the California State Senate:

I am returning Senate Bill 654 without my signature.

This bill would require that the Attorney General's title and summary be translated into multiple languages before an initiative measure could be circulated for signatures. A translation would also be required before a recall petition could be circulated. Current law already requires language translations for measures that qualify to appear on the ballot.

As I noted in my veto message last year, imposing translation obligations at the circulating stage would add substantial burdens to the initiative process. I remain unconvinced that the benefits outweigh the costs.

Sincerely,

Edmund G. Brown Jr.

Section Five

2013 STATUTES INDEX

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	AB 149	580	Voting Rights: County Probation Departments	9
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