



# LEGISLATIVE GUIDE TO CALIFORNIA ELECTION LAWS

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**2015**

SUMMARY OF ELECTION  
RELATED LEGISLATION

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California Association of Clerks and Election Officials

# LEGISLATIVE GUIDE TO ELECTION LAWS

2015

**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 2015. 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](http://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.*

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## Section One

### BILL LISTING

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	<u>BILL NO.</u>	<u>CHAPTER NO.</u>
<b>ASSEMBLY</b>	AB 44	723
	AB 277	724
	AB 363	725
	AB 370	105
	AB 400	693
	AB 477	726
	AB 547	727
	AB 554	150
	AB 630	365
	AB 683	334
	AB 809	337
	AB 952	185
	AB 1020	728
	AB 1100	229
	AB 1443	347
	AB 1461	729
	AB 1504	730
	AB 1535	731
AB 1536	732	
<b>SENATE</b>	SB 365	733
	SB 366	144
	SB 415	235
	SB 439	734
	SB 493	735

	<b><u>BILL NO.</u></b>	<b><u>CHAPTER NO.</u></b>
<b>SENATE (Cont.)</b>	SB 505	236
	SB 589	736

**TOTAL COUNT: 26**

## Section Two

### SECTIONS AFFECTED

**Am = Amended, Add = Added, R = Repealed, Rn = Renumbered**

<u>CODE</u>	<u>SECTION</u>	<u>CHAPTER</u>	<u>EFFECT</u>
ELECTIONS	17	732	Am
	103	731	Am
	303.4	734	Add
	2000	728	Am
	2053	334	Am
	2100	729	Am
	2101	728	Am
	2102	729	Am
	2102	732	Am
	2102	736	Am
	2103	728	Am
	2103	732	Am
	2104	728	R
	2106	728	Am
	2107	728	R
	2107	732	Am
	2108	728	R
	2109	728	R
	2110	728	R
	2113	728	R
	2114	728	Am
	2115	728	Am
	2117	728	R
	2118	728	R
	2118.5	728	R
	2119	728	Am
	2119	732	Am
	2120	728	Am
	2135	728	R
	2136	728	R
	2137	728	R

<b><u>CODE</u></b>	<b><u>SECTION</u></b>	<b><u>CHAPTER</u></b>	<b><u>EFFECT</u></b>
<b>ELECTIONS (CONT.)</b>	2139	728	Am
	2140	728	Am
	2141	728	R
	2142	732	Am
	2150	728	Am
	2150	736	Am
	2155	732	Am
	2155.3	728	Am
	2157	728	Am
	2158	728	Am
	2158	732	Am
	2160	728	R
	2162	732	Am
	2163	728	Am
	2165	728	Am
	2166	728	Am
	2166.5	728	Am
	2166.7	728	Am
	2168	728	Am
	2170	734	Am
	2180	728	R
	2181	728	R
	2182	728	R
	2183	728	Am
	2184	728	Am
	2185	728	Am
	2187	728	Am
	2190	728	R
	2192	728	R
	2194	732	Am
	2188	728	Am
	2188.1	728	Am
	2188.5	728	Am
	2191	728	Am
	2193	728	Am

<b><u>CODE</u></b>	<b><u>SECTION</u></b>	<b><u>CHAPTER</u></b>	<b><u>EFFECT</u></b>
<b>ELECTIONS (CONT.)</b>	2194	728	Am
	2196	728	Am
	2196	732	Am
	2200	728	Am
	2201	728	Am
	2202	728	Am
	2203	728	R
	2204	728	R
	2206	728	Am
	2208	728	Am
	2208	736	Am
	2209	728	Am
	2209	736	Am
	2210	728	Am
	2211	728	Am
	2212	728	Am
	2221	728	Am
	2224	728	Am
	2225	728	Am
	2226	728	Am
	2227	728	Am
	2250	732	Am
	Chapter 4.5 (commencing with Section 2260) to Division 2	729	Add
	2300	236	Am
	2400	732	Am
	2401	732	Am
	2402	732	Am
	2403	732	Am
	2404	732	Am
	2405	732	Am
	2406	732	Am
	2408	732	Am
	2550	734	Add
	2227	728	Am

<b><u>CODE</u></b>	<b><u>SECTION</u></b>	<b><u>CHAPTER</u></b>	<b><u>EFFECT</u></b>
<b>ELECTIONS (CONT.)</b>	Chapter 8 (commencing with Section 2600) to Division 2	347	Add
	3009	728	Am
	3010	728	Am
	3011	728	Am
	3017	733	Am
	3019	726	Am
	3019	728	Am
	3019.5	732	Am
	3025	733	Add
	3106	731	Am
	3114	732	Am
	4000.5	727	Am
	4000.5	732	Am
	4001	730	Am
	4108	731	Am
	Chapter 5 (commencing with Section 6850) to Part 1 of Division 6	726	Add
	6901	726	Am
	Part 6 (commencing with Section 7900) to Division 7	726	Add
	8401	728	Am
	9001	229	Am
	9030	728	Am
	9054	732	Am
	9082.7	334	Am
	9094.5	732	Am
	9114	728	Am
	9115	728	Am
	9308	728	Am
	9309	728	Am
	9602	731	Am

<b><u>CODE</u></b>	<b><u>SECTION</u></b>	<b><u>CHAPTER</u></b>	<b><u>EFFECT</u></b>
<b>ELECTIONS (CONT.)</b>	10404	731	Am
	10505	731	Am
	11224	728	Am
	11225	728	Am
	11303	731	Am
	12302	150	Am
	12309.5	732	Am
	13004	734	Am
	13004.5	734	Add
	13107	732	Am
	13119	337	Am
	13300.7	334	Am
	13307	144	Am
	14026	724	Am
	14026	732	Am
	Chapter 1.7 (commencing with Section 14050) to Division 14	235	Add
	14111	144	Am
	14202	728	Am
	14405	725	Am
	14420	725	Am
	14421	725	Am
	14422	725	Add
	15601	723	Am
	15620	723	Am
	15621	723	Am
	15621.5	723	Add
	15626	723	Am
	15627	723	Am
	15632	723	Am
	Article 5 (commencing with Section 15645) to Chapter 9 of Division 15	723	Add
	18104	728	Am

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](http://www.leginfo.ca.gov)

<b><u>CODE</u></b>	<b><u>SECTION</u></b>	<b><u>CHAPTER</u></b>	<b><u>EFFECT</u></b>
<b>ELECTIONS (CONT.)</b>	18108	732	Am
	18108.1	732	Am
	18108.5	732	Am
	18109	728	Am
	18350	105	Am
	19204.5	723	Add
	19240	732	Am
	19242	732	Am
	21500	732	Am
	21550	732	Am
	21601	732	Am
	21620	732	Am
	22000	732	Am
36512	185	Am	
<b>GOVERNMENT</b>	1363	365	Am
	3105	365	Am
	24102	365	Am
	34886	735	Add
	36512	185	Am
<b>PROBATE</b>	1823	736	Am
	1826	736	Am
	1828	736	Am
	1851	736	Am
	1910	736	Am
<b>STREETS AND HIGHWAYS</b>	101.14	693	Add

## Section Three

### 2015 CHAPTERED LEGISLATION

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#### ELECTIONS: STATEWIDE RECOUNTS

##### Assembly Bill 44 Chapter 723

###### **CURRENT PROVISIONS:**

Existing law requires the Secretary of State to adopt regulations relating to the use of voting systems in recounting ballots.

Establishes procedures by which a voter may request a recount of the votes cast in an election following completion of the official canvass.

Requires a voter to make this request within 5 days beginning on the 29th day after the election.

Permits any other voter to request a recount of any precincts in an election for the same office, slate of presidential electors, or measure not recounted as a result of the original request, any time during the conduct of a recount and for 24 hours thereafter.

Provides that, where applicable, a voter requesting a recount may select whether the recount shall be conducted manually, or by means of the voting system used originally, or both.

Requires a voter seeking a recount is required to deposit with the elections official the amount of money required by the elections official to cover the cost of the recount for that day, before the recount is commenced and at the beginning of each subsequent day.

Provides that upon completion of a recount showing that a different candidate was nominated or elected, that a different presidential slate of electors received a plurality of the votes, or that a measure was defeated instead of approved or approved instead of defeated, the result of the recount in each affected precinct is entered and is thereafter considered the official return of the affected precincts.

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Provides that if an office, slates of presidential electors, or measure is voted on statewide, the results of any recount are null and void unless each vote cast for the office, slates, or measure in any county specified in the request for recount is recounted.

Requires the Secretary of State to certify or conditionally approve a voting system prior to any election at which it is to be used, as specified.

Prohibits the Secretary of State from certifying or conditionally approving a voting system or part of a voting system that does not have certain technical capabilities.

**NEW PROVISIONS:**

Requires the Secretary of State to revise and adopt regulations relating to procedures for recounting ballots, including regulations establishing guidelines for the charges a county elections official may impose when conducting a manual recount.

Permits a voter to file a request for a recount within 5 days beginning on the 30th day after the election.

Requires a voter to select, for each type of voting system used, whether the recount is to be conducted manually, or by means of the voting system used originally, but not both.

Specifies that if more than one voter requests a recount of the office or measure, and at least one request is for a manual recount, then the county elections official of any county subject to multiple requests is only obligated to conduct one manual recount of the ballots subject to the request, and that those results will control.

Permits the Governor or Secretary of State, as specified, to order a state-funded manual recount of all votes cast for a statewide office or a state ballot measure if the difference in the number of votes received is less than or equal to the lesser of 1,000 votes or 0.00015 of the number of all votes cast, as specified.

Requires a county elections official to review rejected ballots as part of a state-funded recount.

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Provides that if an office, slates of presidential electors, or measure is voted on statewide, the results of any recount are null and void unless each vote cast statewide for the office, slates, or measure is recounted.

Prohibits the Secretary of State from certifying or conditionally approving a voting system that cannot facilitate the conduct of a ballot level comparison risk-limiting audit; however, it would expressly permit the Secretary of State to approve a proposed change or modification to a noncompliant voting system even if the voting system would be unable to facilitate the conduct of a ballot level comparison risk-limiting audit after the change or modification.

Impose a state-mandated local program.

**SECTIONS AFFECTED:**

**SEC. 2 SECTION 1**

**Amends Elections Code 15601**

*(a)* The Secretary of State, within the Secretary of State's existing budget, shall adopt regulations no later than January 1, 2008, for each voting system approved for use in the state and specify the procedures for recounting ballots, including vote by mail and provisional ballots, using those voting systems.

*(b)* No later than January 1, 2018, the Secretary of State shall revise and adopt regulations specifying procedures for recounting ballots, including regulations establishing guidelines for charges a county elections official may impose when conducting a manual recount pursuant to this chapter.

**SEC. 2**

**Amends Elections Code 15620**

*(b)* If an election is conducted in more than one county, the request for the recount may be filed by any voter within five days, beginning on the ~~29th~~ 31st day after the election, with the elections official of, and the recount may be conducted within, any or all of the affected counties.

*(c)* For the purposes of this section, "completion of the canvass" shall be presumed to be that time when the elections official signs the certified statement of the results of the election except that, in the case of a city election, if a city council canvasses the returns itself and does not order the elections official to conduct the canvass, "completion of the canvass" shall be presumed to be that time when the governing body declares the persons elected or the measures approved or defeated.

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**SEC. 3**

**Amends Elections Code 15621**

(a) Following completion of the official canvass any voter may, within five days beginning on the ~~29th~~ 31st day after a statewide election, file with the Secretary of State a written request for a recount of the votes cast for candidates for any statewide office or for or against any measure voted on statewide. Additionally, any voter may file with the Secretary of State a written request for a recount of the votes cast for candidates for any statewide office or for or against any measure voted on statewide within five days following completion of any postcanvass risk-limiting audit conducted pursuant to Section 15560. A request filed pursuant to this section shall specify in which county or counties the recount is sought and shall specify on behalf of which candidate, slate of electors, or position on a measure (affirmative or negative) it is filed.

(b) The Secretary of State shall forthwith send by registered mail one copy of the request to the elections official of each county in which a recount of the votes is sought.

(c) All the other provisions of this article shall apply to recounts conducted under this section.

**SEC. 4**

**Adds Elections Code 15621.5**

*If more than one voter requests a recount of the same office or measure pursuant to Section 15620 or 15621, and at least one request is for a manual recount, the county elections official of a county subject to multiple requests as described in this section shall conduct only one manual recount of the ballots subject to recount, the result of which shall be controlling.*

**SECTION 4, SEC. 5**

**Amends Elections Code 15626**

The recount shall be commenced not more than seven days following the receipt by the elections official of the request or order for the recount under Section ~~15620~~ 15620, 15621, or ~~15624,~~ 15645 and shall be continued daily, Saturdays, Sundays, and holidays excepted, for not less than six hours each day until completed. The recount shall not be commenced until the first day following notification of the individuals specified in Section 15628.

**SEC. 6**

**Amends Elections Code 15627**

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(a) ~~If in the election which is to be recounted the votes were recorded by means of a punchcard voting system or by electronic or electromechanical vote tabulating devices, the voter who files the declaration requesting the recount *the votes subject to recount were cast or tabulated by a voting system, the voter requesting the recount shall, for each set of ballots cast or tabulated by a type of voting system,* select whether the recount shall be conducted manually, or by means of the voting system used originally, or both. *originally. Only one method of recount may be used for all ballots cast or tabulated by the same type of voting system.*~~

(b) For purposes of direct recording electronic voting systems, “conducted manually” means that ~~either the paper record copies or the voter verified paper audit trail of the electronically recorded vote are~~ is counted manually, as selected by the voter who requests the recount.

### **SEC. 7**

#### **Amends Elections Code 15632**

In lieu of the returns as reported in the official canvass, upon completion of the recount showing that a different candidate was nominated or elected, that a different presidential slate of electors received a plurality of the votes, or that a measure was defeated instead of approved or approved instead of defeated, there shall be entered the result of the recount in each precinct affected, which result shall, for all purposes thereafter, be the official returns of those precincts for the office, slates of presidential electors, or measure involved in the recount. If the office, slates of presidential electors, or measure are not voted on statewide, the results of any recount which is not completed by counting the votes in each and every precinct in the jurisdiction within which votes were cast on the candidates for the office, on the slates of electors, or on the measure in question shall be declared null and void. If the office, slates of presidential electors, or measure are voted on statewide, the results of any recount will be declared null and void where there is not recounted each vote cast statewide for the office, slates, or ~~measure in any county specified in the request for recount filed with the Secretary of State.~~ measure.

### **SEC. 2. SEC. 8**

#### **Article 5. Automatic State-Funded Recounts Amends Elections Code 15645**

(a) (1) Within five days after the Secretary of State files a statement of the vote, as required by subdivision (b) of Section 15501, ~~the Secretary of State shall order an automatic~~ the Governor may order a state-funded manual recount of all votes cast for a statewide office or state ballot measure if any of the following occurs, except as provided in paragraph (3):

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(A) The official canvass of returns in a statewide primary election shows that the difference in the number of votes received by the second and third place candidates for a statewide office is less than or equal to ~~one-tenth~~ the lesser of 1,000 votes or of 1 percent 0.00015 of the number of all votes cast for ~~both candidates, that office~~ except as provided in paragraph (2).

(B) The official canvass of returns in a statewide general election shows that the difference in the number of votes received by the two candidates receiving the greatest number of votes for a statewide office is less than or equal to ~~one-tenth~~ the lesser of 1,000 votes or of 1 percent 0.00015 of the number of all votes cast for ~~both candidates, that office.~~

(C) The official canvass of returns in a statewide election shows that the difference in the number of votes cast for and against a state ballot measure is less than or equal to ~~one-tenth~~ the lesser of 1,000 votes or of 4 percent 0.00015 of the number of all votes cast on the measure.

~~(2) The Secretary of State~~ The Governor shall not ~~order an automatic~~ order a state-funded manual recount of all votes cast for the office of Superintendent of Public Instruction pursuant to this section ~~if~~ unless the official canvass of returns in a statewide primary election shows that ~~a candidate received a majority of all votes cast.~~ either of the following:

(A) *The number of votes received by the candidate receiving the greatest number of votes was either of the following:*

(i) *Between 0.49985 and 0.50015, inclusive, of the number of all votes cast.*

(ii) *Within 1,000 votes of 50 percent of the number of all votes cast.*

(B) *No candidate for the office of Superintendent of Public Instruction received votes on a majority of all the ballots cast for candidates for that office and the difference in the number of votes received by the second and third place candidates for that office was less than or equal to the lesser of 1,000 votes or 0.00015 of the number of all votes cast for that office.*

(3) *If the conditions set forth in paragraph (1) are satisfied with respect to the number of votes cast for the office of Governor, the Secretary of State, but not the Governor, may order a state-funded manual recount pursuant to this section.*

~~(3)(4)~~ (4) For purposes of this subdivision, "statewide office" means the office of Governor, Lieutenant Governor, Attorney General, Controller, Insurance Commissioner, Secretary of State, Superintendent of Public Instruction, Treasurer, or Member of the United States Senate.

(b) *If a state-funded recount is conducted pursuant to this section, no other recount shall be conducted.*

~~(c) It is the intent of the Legislature to fully~~

(c) The State shall reimburse counties for costs resulting from conducting ~~an automatic~~ a manual recount ~~required by~~ pursuant to this

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section in an expeditious manner upon certification of those costs.—A candidate shall not be charged for an automatic manual recount required by this section.

**Amends Elections Code 15646**

*(a) Upon the Governor or Secretary of State ordering a recount pursuant to subdivision (a) ~~or (b)~~ of Section 15645, the Secretary of State shall notify the elections official of each county and shall direct the county elections officials to recount all the votes cast for the office or for and against the state ballot measure. ~~The~~*

*(b) (1) While conducting a recount pursuant to Section 15645, a county elections official shall also review ballots rejected pursuant to Section 15154 to ensure that no ballots were improperly discarded during the initial canvass.*

*(2) The process of reviewing rejected ballots pursuant to subdivision (a) shall be open to members of the public, including persons associated with a campaign or measure.*

*(c) The elections official in each county shall commence the recount within seven days of receiving notice under this section. complete a recount pursuant to this section as follows:*

*(1) In a primary election, by three business days before the Secretary of State issues the certified list of candidates for the associated general election pursuant to Section 8120.*

*(2) In a general election, within 60 days of the Governor or Secretary of State ordering the recount.*

**Adds Elections Code 15649**

*A county elections official shall only be required to conduct a recount pursuant to this article to the extent funds are appropriated for purposes of this article in the annual Budget Act or other statute.*

**SEC. 9**

**Adds Elections Code 19204.5**

*(a) The Secretary of State shall not certify or conditionally approve a voting system that cannot facilitate the conduct of a ballot level comparison risk-limiting audit.*

*(b) (1) For purposes of this subdivision, a voting system that is “noncompliant” is a voting system that cannot facilitate the conduct of a ballot level comparison risk-limiting audit.*

*(2) Notwithstanding subdivision (a), the Secretary of State may, until January 1, 2021, approve a proposed change or modification to a noncompliant voting system even if the voting system will remain*

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*noncompliant after the change or modification. This paragraph shall become inoperative on January 1, 2021.*

**SEC. 3. SEC. 10 - Renumbered**

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**CALIFORNIA VOTING RIGHTS ACT OF 2001**

**Assembly Bill 277**  
**Chapter 724**

AB 277

**CURRENT PROVISIONS:**

Existing law, the California Voting Rights Act of 2001 (CVRA), prohibits the use of an at-large election in a political subdivision if it would impair the ability of a protected class, as defined, to elect candidates of its choice or otherwise influence the outcome of an election.

The CVRA provides that a voter who is a member of a protected class and who resides in a political subdivision where a violation of the act occurs may bring an action in superior court to enforce its provisions.

The CVRA requires a court to implement appropriate remedies, including the imposition of district-based elections, that are tailored to remedy a violation of the act.

The CVRA defines “political subdivision” to mean a geographic area of representation created for the provision of government services, including, but not limited to, a city, a school district, a community college district, or other district organized pursuant to state law. The state courts have determined that the provisions of the CVRA apply to a charter city.

**NEW PROVISIONS:**

Amends the CVRA’s definition of “political subdivision” to expressly include a charter city, charter county, or charter city and county.

States the intent of the Legislature in enacting this bill is to codify the holding of the state courts regarding the applicability of the CVRA to charter cities.

**SECTIONS AFFECTED:**

**SECTION 1.**

The Legislature finds and declares all of the following:

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(a) The dilution of votes of a protected class is a matter of statewide concern.

(b) The provisions of the California Voting Rights Act are reasonably related to the issue of vote dilution and constitute a narrowly-drawn remedy that does not unnecessarily interfere with municipal governance.

(c) It is the intent of the Legislature that the California Voting Rights Act ~~shall~~ apply to charter cities, charter counties, and charter cities and counties.

(d) It is further the intent of the Legislature in enacting this act to codify the holding in *Jauregui v. City of Palmdale* (2014) 226 Cal.App.4th 781.

## **SEC. 2. Amends Elections Code 14026**

As used in this chapter:

(c) "Political subdivision" means a geographic area of representation created for the provision of government services, including, but not limited to, ~~a city,~~ *general law city, general law county, charter city, charter county, charter city and county,* a school district, a community college district, or other district organized pursuant to state law.

(d) "Protected class" means a class of voters who are members of a race, color or language minority group, as this class is referenced and defined in the federal Voting Rights Act (~~42 U.S.C. Sec. 1973 et seq.~~) (*52 U.S.C. Sec. 10301 et seq.*).

(e) "Racially polarized voting" means voting in which there is a difference, as defined in case law regarding enforcement of the federal Voting Rights Act (~~42 U.S.C. Sec. 1973 et seq.~~) (*52 U.S.C. Sec. 10301 et seq.*), in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate. The methodologies for estimating group voting behavior as approved in applicable federal cases to enforce the federal Voting Rights Act (~~42 U.S.C. Sec. 1973 et seq.~~) (*52 U.S.C. Sec. 10301 et seq.*) to establish racially polarized voting may be used for purposes of this section to prove that elections are characterized by racially polarized voting.

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### **CLOSING OF THE POLLS**

#### **Assembly Bill 363 Chapter 725**

#### **CURRENT PROVISIONS:**

Existing law requires a precinct board to account for ballots at the closing of the polls.

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\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

Existing law prescribes the procedures for a precinct board to follow as soon as the polls close, including removing the voted ballots from the ballot container, sealing the ballots, and delivering the ballots to the receiving centers or central counting places.

### **NEW PROVISIONS**

Authorizes a county elections official to account for ballots at the central counting place.

Authorizes a county elections official to direct the precinct board to seal the ballots and to record certain information prior to the closing of the polls.

Authorizes the county elections official to direct other elections officials to remove the sealed ballots prior to the closing of the polls and to deliver them to a receiving center or central counting place.

Requires the county elections official, at least 48 hours before an election, to notify the public of the dates, times, and places to which ballot containers will be delivered.

Requires the Secretary of State to adopt regulations addressing the secure delivery and transfer of ballots to a receiving center or central counting place.

### **SECTIONS AFFECTED:**

#### **SECTION 1.**

##### **Amends Elections Code 14405**

(a) The members of the precinct board shall account for the ballots delivered to them by returning a sufficient number of unused ballots to make up, when added to the number of official ballots cast and the number of spoiled and canceled ballots returned, the number of ballots given to them. ~~The officers receiving returned ballots shall compel this accounting.~~ accounting of ballots may either:

(1) *Take place at the polling place.*

(2) *Be performed by the elections official at the central counting place.*

#### **SEC. 2.**

##### **Amends Elections Code 14420**

(a) ~~As~~ *Except as provided in subdivision (c), before or as* soon as the polls are closed, the precinct board shall remove the voted ballots from the ballot container and take them out of the secrecy envelopes or detach

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them from the secrecy stubs. Where the envelope or stub is also the write-in ballot, and a write-in vote has been registered thereon, the ballot card shall not be separated from the envelope or stub. If two or more separate ballot cards have been used in the election, the precinct board shall sort them into groups, each of which shall contain the same series of ballot cards.

(b) After completing the action described in subdivision (a), the precinct board shall count the number of ballot cards in each group, and certify the number of ballots cast on the voting roster as provided by Section 14405. 14107. If there is any discrepancy between the number of voters listed in the roster and the number of ballots voted, this fact shall be noted with an explanation of the difference and signed by all the members of the precinct board.

(c) *Before or at the close of the polls, the county elections official may direct the precinct board to seal the ballot container and record on forms provided by the elections official the information needed for the reconciliation of ballots required by Section 14405.*

### **SEC. 3. Amends Elections Code 14421**

~~The~~ *Unless the county elections official has directed the precinct board to seal the ballot container and record information pursuant to subdivision (c) of Section 14420, the* precinct board shall group voted ballot cards and voted separate write-in ballots, as directed by the elections official, and place them in containers. The board shall also place spoiled and void ballots, if any, in containers as directed by the elections official. All of these ballots, along with the containers for voted ballot cards, shall be placed in one or more boxes, which shall then be sealed and delivered as soon as possible to the receiving centers or central counting places with the unused ballots, supplies, and other materials as directed by the elections official.

### **SEC. 4. Adds Elections Code 14422**

(a) (1) *Notwithstanding any other provision of law, the county elections official may direct a precinct board to seal the ballot container prior to the closing of the polls, in accordance with the procedures set forth in Sections 14420 and 14421.*

(2) *Notwithstanding Section 14215, as soon as the container is sealed, the county elections official may direct at least two elections officials to remove the sealed ballot container of voted untallied ballots from the polling place and the presence of any bystanders and to deliver the container to a receiving center or central counting place as directed.*

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(3) *At least 48 hours in advance of an election, the elections official shall notify the public of the dates, times, and places at which ballot containers will be delivered pursuant to this subdivision.*

(b) *Upon receipt of a container at a receiving center or central counting place pursuant to subdivision (a), the county elections official may process the voted untallied ballots, but shall not tally the ballots or release any results prior to the closing of the polls.*

(c) *The Secretary of State shall adopt regulations addressing the secure delivery and transfer of ballots to a receiving center or central counting place pursuant to this section.*

(d) *This section shall not be construed as relieving a precinct board of its responsibility to account for ballots pursuant to Section 14405.*

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## ELECTION CAMPAIGNS: CANDIDATE MISREPRESENTATION

### [Assembly Bill 370](#)

#### Chapter 105

#### **CURRENT PROVISIONS:**

Existing law provides that every person is guilty of a misdemeanor who, with intent to mislead the voters in connection with his or her campaign for nomination or election to a public office, or in connection with the campaign of another person for nomination or election to a public office, assumes, pretends, or implies, by his or her statements or conduct, that he or she is the incumbent of a public office, or has been acting in the capacity of a public officer, when that is not the case.

#### **NEW PROVISIONS:**

Specifies that a person is guilty of a misdemeanor if he or she assumes, pretends, or implies by his or her campaign materials that he or she is the incumbent of a public office, or has been acting in the capacity of a public officer, when that is not the case.

#### **SECTIONS AFFECTED:**

#### **SECTION 1.**

#### **Amends Elections Code 18350**

~~Every~~ *(a)* A person is guilty of a misdemeanor who, with intent to mislead the voters in connection with his or her campaign for nomination or election to a public ~~office~~ *office*, or in connection with the campaign of another person for nomination or election to a public office, does either of the following acts:

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\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

~~(a) Assume, pretend, or imply,  
(1) Assumes, pretends, or implies, by his or her statements or conduct statements, conduct, or campaign materials, that he or she is the incumbent of a public office when that is not the case.~~

~~(b) Assume, pretend, or imply,  
(2) Assumes, pretends, or implies, by his or her statements or conduct statements, conduct, or campaign materials, that he or she is or has been acting in the capacity of a public officer when that is not the case.~~

~~Any~~

~~(b) A violation of this section may be enjoined in a civil action brought by any a candidate for the public office involved.~~

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**DEPARTMENT OF TRANSPORTATION: CHANGEABLE MESSAGE SIGNS**

**Assembly Bill 400**

**Chapter 693**

**CURRENT PROVISIONS:**

Existing law provides that the Department of Transportation has full possession and control of all state highways.

The Outdoor Advertising Act, provides for the regulation by the department of advertising displays, as defined, within view of public highways.

Existing law authorizes the Department of Transportation to install and maintain information signs along state highways.

**NEW PROVISIONS:**

Requires the department, by June 30, 2016, to update its internal policies to allow displays of safety, transportation-related, and voting-related messages on changeable message signs, as defined, subject to approval by the United States Department of Transportation, as provided.

**SECTIONS AFFECTED:**

**SECTION 1.**

**Adds Streets and Highways Code 101.14**

*(a) Prior to June 30, 2016, and subject to federal approval as provided in subdivision (d), the department shall update its internal policies to allow displays of the following types of messages on changeable message signs:*

*(1) Safety messages.*

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\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

(2) *Transportation-related messages.*

(3) *Reminders to register to vote, as requested by the Secretary of State, not more than two days prior to, and on the last day to, register to vote in a particular statewide general election, statewide primary election, or statewide special election conducted pursuant to the Elections Code.*

(4) *Reminders to vote, as requested by the Secretary of State, as elections approach, not more than two days prior to, and on election day of, a particular statewide general election, statewide primary election, or statewide special election conducted pursuant to the Elections Code.*

(b) *For purposes of this section, “changeable message sign” means any electronic sign on a roadway with a changeable message typically used to alert motorists of traffic conditions, unusual weather conditions, emergencies, or other events.*

(c) *Nothing in this section shall be construed to alter the requirements of the Emergency Alert System, the Amber Plan under Section 8594 of the Government Code, or the Blue Alert System under Section 8594.5 of the Government Code. The department may give priority to other messages, including, but not limited to, the display of emergency alerts, Amber Alerts, Blue Alerts, safety messages, and transportation-related messages, over the messages authorized pursuant to paragraph (3) or (4) of subdivision (a).*

(d) *The department shall not display any information on a changeable message sign authorized pursuant to paragraph (3) or (4) of subdivision (a) unless the United States Department of Transportation, or any of its agencies, has expressly approved the display of that information. If the department is advised by the United States Department of Transportation, or any of its agencies, that the display of information otherwise authorized by paragraph (3) or (4) of subdivision (a) will result in the reduction of federal aid highway funds to the state pursuant to Section 131 of Title 23 of the United States Code, that display of information shall not be made.*

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## ELECTIONS: BALLOTS AND THE GREEN PARTY

### Assembly Bill 477

#### Chapter 726

#### **CURRENT PROVISIONS:**

Existing law requires, upon receipt of a vote by mail ballot and to determine if the signatures compare, an elections official to compare the signature on the identification envelope with either (A) the signature appearing on the voter's affidavit of registration or a previous affidavit of registration of the voter, or (B) the signature appearing on a form issued by an elections official that contains

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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 a previous affidavit of registration of the voter. If the signatures do not compare, existing law requires the identification envelope to not be opened, the ballot to not be counted, and the cause of the rejection to be written on the face of the identification envelope.

Existing law provides for specific procedures by which the Democratic Party, the Republican Party, the American Independent Party, and the Peace and Freedom Party participate in the presidential primary.

Existing law authorizes the Democratic Party, the Republican Party, the American Independent Party, and the Peace and Freedom Party to each elect county central committees.

Existing law establishes state central committees for the Democratic Party, the Republican Party, the American Independent Party, and the Peace and Freedom Party.

**NEW PROVISIONS:**

Removes the requirement that an elections official, in comparing the signatures on the identification envelope, as described in (B) above, determine that the signature appearing on a form issued by the elections official that contains the voter's signature compares with the signature on the voter's affidavit of registration or a previous affidavit of registration of the voter.

Prohibits, if an elections official determines that a voter has failed to sign the identification envelope, the elections official from rejecting the vote by mail ballot if the voter signs the identification envelope at the elections official's office before 5 p.m. on the 8th day after the election, completes and submits an unsigned ballot statement, as specified, before 5 p.m. on the 8th day after the election, or completes and submits an unsigned ballot statement to a polling place within the county or a ballot dropoff box before the close of the polls on election day.

Requires the elections official to accept any completed unsigned ballot statement.

Requires the elections official, upon receipt of the unsigned ballot statement, to compare the voter's signature on the statement, as described above, and, if the signatures compare, requires the elections official to attach the statement to the identification envelope and deposit the ballot, still in the identification envelope, in a ballot container in his or her office.

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Requires the identification envelope to not be opened and the ballot to not be counted if the elections official determines that the signatures do not compare.

Requires an elections official to include the unsigned ballot statement and instructions, and certain contact information, on his or her Internet Web site.

Impose a state-mandated local program.

Establishes the procedures by which the Green Party can participate in the presidential primary.

Authorizes the Green Party to establish, by election, county councils.

Establishes a state coordinating committee for the Green Party.

## SECTIONS AFFECTED:

### SECTION 1.

#### Amends 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~~ *if* the signatures compare:

(1) The signature appearing on the voter's affidavit of registration or ~~any~~ *a* 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,~~ *signature and* 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.~~ *record.*

(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 signatures if* the method of preparing and displaying the facsimiles complies with the law.

(e) In comparing signatures pursuant to this section, an elections official ~~is authorized to~~ *may* use signature verification technology. If signature verification technology determines the signatures do not compare, the elections official shall not reject the ballot unless he or she visually examines the signatures and verifies that the signatures do not compare.

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(f) (1) (A) *Notwithstanding any other law, if an elections official determines that a voter has failed to sign the identification envelope, the elections official shall not reject the vote by mail ballot if the voter does any of the following:*

(i) *Signs the identification envelope at the office of the elections official during regular business hours before 5 p.m. on the eighth day after the election.*

(ii) *Before 5 p.m. on the eighth day after the election, completes and submits an unsigned ballot statement in substantially the following form:*

**“UNSIGNED BALLOT STATEMENT**

*I, am a registered voter of \_\_\_\_\_ County, State of California. I do solemnly swear (or affirm) that I requested and returned a vote by mail ballot and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony punishable by imprisonment for 16 months or two or three years. I understand that my failure to sign this statement means that my vote by mail ballot will be invalidated.*

*Voter’s Signature  
Address”*

(iii) *Before the close of the polls on election day, completes and submits an unsigned ballot statement, in the form described in clause (ii), to a polling place within the county or a ballot dropoff box.*

(B) *If timely submitted, the elections official shall accept any completed unsigned ballot statement. Upon receipt of the unsigned ballot statement, the elections official shall compare the voter’s signature on the statement in the manner provided by this section.*

(i) *If the elections official determines that the signatures compare, he or she shall attach the unsigned ballot statement to the identification envelope and deposit the ballot, still in the identification envelope, in a ballot container in his or her office.*

(ii) *If the elections official determines that the signatures do not compare, the identification envelope shall not be opened and the ballot shall not be counted.*

(C) *An elections official may use methods other than those described in subparagraph (A) to obtain a voter’s signature on an unsigned identification envelope.*

(2) *Instructions shall accompany the unsigned ballot statement in substantially the following form:*

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**“READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE STATEMENT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.**

1. *In order to ensure that your vote by mail ballot will be counted, your statement should be completed and returned as soon as possible so that it can reach the elections official of the county in which your precinct is located no later than 5 p.m. on the eighth day after the election.*

2. *You must sign your name on the line above (Voter’s Signature).*

3. *Place the statement into a mailing envelope addressed to your local elections official. Mail, deliver, or have delivered the completed statement to the elections official. Be sure there is sufficient postage if mailed and that the address of the elections official is correct.*

4. *Alternatively, you may submit your completed statement by facsimile transmission to your local elections official, or submit your completed statement to a polling place within the county or a ballot dropoff box before the close of the polls on election day.*

*(3) An elections official shall include the unsigned ballot statement and instructions described in this subdivision on his or her Internet Web site, and shall provide the elections official’s mailing address and facsimile transmission number on the Internet Web page containing the statement and instructions.*

*(g) 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.*

## **SECTION 2**

### **CHAPTER 5. Green Party Presidential Primary**

#### **Adds Elections Code 6850**

*This chapter applies to the presidential primary ballot of the Green Party only. As used in this chapter, “Green Party” means the Green Party of California.*

#### **Adds Elections Code 6850.5**

*The Green Party presidential primary ballot shall express the presidential preference of California voters who vote in the Green Party primary. National convention delegates shall be selected as provided for in the bylaws and the rules and procedures of the Green Party and pursuant to the rules of the national political party with which the Green Party is affiliated.*

#### **Adds Elections Code 6850.7**

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\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

*A filing fee shall not be required from a person to be voted for in a Green Party presidential primary.*

## **Article 2. Qualification of Candidates for Presidential Preference Portion of Primary Ballot**

### **Adds Elections Code 6851**

*The Secretary of State shall place the name of a candidate upon the Green Party presidential preference ballot when the Secretary of State has determined that the candidate is generally advocated for or recognized throughout the United States or California as actively seeking the presidential nomination of the Green Party or the national political party with which the Green Party is affiliated.*

### **Adds Elections Code 6851.5**

*On or before the 150th day preceding a presidential primary election, the Secretary of State shall send a letter by first-class mail to the Green Party Liaison to the Secretary of State informing her or him that, while a response is not required, any information she or he wishes to submit will be considered by the Secretary of State in the determination of candidates to be placed on the Green Party presidential preference primary ballot pursuant to Section 6851.*

### **Adds Elections Code 6852**

*On or before the 120th day preceding a presidential primary election, the Secretary of State shall publicly announce and distribute to the news media for publication a list of the candidates she or he intends to place on the ballot at the following presidential primary election. Following this announcement, the Secretary of State may add candidates to her or his selection, but she or he may not delete any candidate whose name appears on the announced list. The Secretary of State shall mail a copy of the list and any subsequent additions to the list to the Green Party Liaison to the Secretary of State.*

### **Adds Elections Code 6852.5**

*When the Secretary of State decides to place the name of a candidate on the ballot pursuant to Sections 6851 and 6852, the Secretary of State shall notify the candidate that her or his name will appear on the Green Party presidential preference primary ballot.*

### **Adds Elections Code 6853**

*If a selected candidate or an unselected candidate files with the Secretary of State, no later than the 68th day before the presidential primary, an affidavit stating without qualification that she or he is not a candidate for*

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*the office of President of the United States at the forthcoming presidential primary election, the name of that candidate shall be omitted from the list of names certified by the Secretary of State to the elections official for the ballot and the name of that candidate shall not appear on the presidential preference portion of the primary ballot.*

**Adds Elections Code 6853.5**

*An unselected candidate desiring to have her or his name placed on the presidential preference primary ballot shall have nomination papers circulated on her or his behalf. In order to qualify the name of that candidate for placement on the presidential preference primary ballot, the nomination papers of the candidate shall be signed by voters registered as preferring the Green Party equal in number to not less than 1 percent of the number of persons registered as preferring the Green Party as reflected in the report of registration issued by the Secretary of State on the 135th day before the presidential primary election.*

**Article 3. Preparation, Circulation, and Filing of Nominating Papers  
Adds Elections Code 6854**

*This article applies to the nomination of a Green Party candidate for the presidential primary ballot.*

**Adds Elections Code 6854.5**

*Nomination papers properly prepared, circulated, signed, and verified shall be left, for examination, with the elections official of the county in which they are circulated at least 74 days before the presidential primary.*

**Adds Elections Code 6855**

*Each signer of a nomination paper for the presidential primary ballot may sign only one paper. The signer shall add her or his printed name and place of residence indicating city and giving the street and number, if any.*

**Adds Elections Code 6855.5**

*A nomination paper may be presented in sections. Each section shall contain the name of the presidential preference candidate. Each section shall bear the name of the county in which it is circulated. Only voters of the county registered as preferring the Green Party are competent to sign.*

**Adds Elections Code 6856**

*Each section shall be prepared with the lines for signatures numbered, and shall have attached the declaration of the circulator who*

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2. That my residence address, including street 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 Green 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\_\_.

[Signed] \_\_\_\_\_

Circulator

[Printed Name] \_\_\_\_\_

#### **Adds Elections Code 6857.5**

*Before filing, the sections of a nomination paper for a candidate shall be numbered in order.*

#### **Adds Elections Code 6858**

*Nomination papers, properly assembled, may be consolidated and fastened together by counties, but nomination papers signed by voters in different counties shall not be fastened together.*

#### **Adds Elections Code 6858.5**

*The elections official shall examine all nomination papers left with her or him for examination and shall disregard and mark "not sufficient" the name of any voter of that county that does not appear in the same handwriting on an affidavit of registration in the office of the elections official. The elections official shall also disregard and mark "not sufficient" the name of any voter of the county who is not registered as preferring the Green Party.*

#### **Adds Elections Code 6859**

*Within five days after any nomination papers are left with the elections official for examination, the elections official shall do both of the following:*

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(a) *Examine and affix to them a certificate reciting that she or he has examined them and stating the number of names that have not been marked "not sufficient."*

(b) *Transmit the papers with the certificate of examination to the Secretary of State, who shall file the papers.*

**Adds Elections Code 6859.5**

*The certificate of the elections official to nomination papers of a candidate shall be in substantially the following form:*

**CERTIFICATE OF COUNTY ELECTIONS OFFICIAL TO NOMINATION PAPERS OF A CANDIDATE**

*To the Secretary of State:*

*I, County Elections Official of the County of \_\_\_\_\_, hereby certify that I have examined the nomination papers, to which this certificate is attached, of the presidential candidate, and that the number of names which I have not marked "not sufficient" is \_\_\_\_\_.*

*The candidate named in the nomination papers is comprised of the following:*

\_\_\_\_\_

*Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.*

(SEAL)

\_\_\_\_\_  
*County Elections Official  
By Deputy*

**Adds Elections Code 6860**

*Upon receipt of a sufficient number of signatures for the nomination of a candidate for the presidential preference primary ballot, the Secretary of State shall notify the candidate or her or his duly authorized representative of that fact.*

**Article 4. Green Party Presidential Primary Ballot**

**Adds Elections Code 6861**

*Following the filing of nomination papers, the presidential preference primary candidates shall be printed upon the ballot.*

**Adds Elections Code 6861.5**

*For the presidential primary election, the format of the Green Party ballot shall be governed by Chapter 2 (commencing with Section 13100) of Division 13, with the following exceptions:*

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(a) *The heading “Presidential Candidate Preference” shall be included.*

(b) *Selected and unselected presidential candidates shall be listed below the heading specified in subdivision (a).*

(c) *The instructions to voters shall begin with the words “Vote for a candidate.” The instructions to voters shall also include the statement that “Delegates to the national convention will be selected after the primary election.”*

**Adds Elections Code 6862**

*A person who believes her or his name may be used as a write-in candidate for President of the United States shall, no later than 21 days before the primary election, file an endorsement of her or his write-in candidacy with the Secretary of State, or no votes shall be counted for that write-in candidate.*

**Article 5. Certification of National Convention Delegates Election and Postelection Proceedings**

**Adds Elections Code 6863**

*The number of delegates to be selected following the presidential preference primary shall be the number established by the national political party with which the Green Party is affiliated.*

**Adds Elections Code 6863.5**

*National convention delegates shall be selected as provided for in the bylaws and the rules and procedures of the Green Party and pursuant to the rules of the national political party with which the Green Party is affiliated.*

**Article 6. Presidential Electors**

**Adds Elections Code 6864.**

*In each year of the general election at which electors of President and Vice President of the United States are to be chosen, the Green Party shall also nominate as the candidates of its party as many electors of President and Vice President of the United States as the state is then entitled, 50 percent of whom shall be women and 50 percent men, unless an odd number of electors is to be chosen, in which case the difference between the number of women and men shall be not more than one elector. The Green Party Liaison to the Secretary of State shall certify the name of each elector nominated, and the elector’s residence address to the Secretary of State.*

**SEC. 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](http://www.leginfo.ca.gov)

**Amends Elections Code 6901**

Whenever a political party, in accordance with Section 6864, 7100, 7300, 7578, or 7843, submits to the Secretary of State its certified list of nominees for electors of President and Vice President of the United States, the Secretary of State shall notify each candidate for elector of his or her nomination by the party. The Secretary of State shall cause the names of the candidates for President and Vice President of the several political parties to be placed upon the ballot for the ensuing general election.

**SEC. 4.**

**PART 6. Green Party**

**CHAPTER 1. General Provisions**

**Adds Election Code 7900**

*This part applies to the organization, operations, and functions of the party known as the Green Party. As used in this part, "Green Party" means the Green Party of California.*

**CHAPTER 2. Members of County Councils**

**Adds Elections Code 7901**

*At each presidential primary election, members of central committees, which shall be termed "county councils," shall be elected in each county.*

**Adds Elections Code 7902**

*For purposes of this chapter, the registration figures used shall be those taken from the statement of voters and their political preferences transmitted by the elections officials to the Secretary of State on or before March 1 of the odd-numbered year preceding the next presidential primary election.*

**Adds Elections Code 7903**

*The number of members of the county council to be elected in a county shall be a minimum of three and a maximum of 50, and the process in which each county's number shall be calculated shall be defined in the Green Party's bylaws and, to be effective, shall be communicated to the Secretary of State by the Green Party Liaison to the Secretary of State no later than 175 days before the next presidential primary election.*

**Adds Elections Code 7904**

*At its first meeting following the presidential primary election and at subsequent meetings, a county council may appoint additional members to the county council to fill any vacancy.*

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\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

**Adds Elections Code 7905**

*A person shall not be appointed to membership on a county council who is registered as preferring another party or registered as "No Party Preference." Appointment of other persons who cannot register to vote shall be allowed under certain circumstances as described in state Green Party bylaws and any applicable county Green Party bylaws.*

**Adds Elections Code 7906**

*The removal of residence by an elected or appointed member of a county council from the applicable county shall constitute automatic resignation from the county council.*

**Adds Elections Code 7907**

*A member of a county council who changes her or his voter registration to no longer prefer the Green Party shall automatically be removed from office upon such registration.*

**Adds Elections Code 7908**

*County council members additionally may be removed for cause by procedures established in the Green Party's bylaws.*

**Adds Elections Code 7909**

*When a person is appointed to a county council, the county council shall file notices of the appointment with the county elections official and the coordinating committee of the Green Party within 30 days after the appointment is made. The notices shall contain the name and address of the person appointed and shall indicate the date of the appointment.*

**Adds Elections Code 7910**

*The Department of General Services shall permit any county council that desires to do so to hold meetings in a state building within the county, and a minimum of one meeting each month shall be without charge.*

**CHAPTER 3. Election of County Councils**

**Adds Elections Code 7911**

*Members of county councils shall be elected from one or more multi-member districts. Multimember districts shall conform to the county boundaries or recognized jurisdictional boundaries of Congressional, State Assembly, State Senate, or Supervisorial districts within that county, in accordance with state Green Party bylaws and county Green Party bylaws.*

**Adds Elections Code 7912**

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*The Secretary of State, no later than the 175th day before the presidential primary election, shall compute the number of members of a county council to be elected in each county and shall mail a certificate to that effect to the elections official of each county and to the Green Party Liaison to the Secretary of State.*

**Adds Elections Code 7913**

*The elections official, no later than the 172nd day before the presidential primary election, shall compute the number of members of a county council to be elected in each district if the election of the members is to be by district pursuant to this chapter.*

**Adds Elections Code 7914**

*In each county, the name of each candidate for member of a county council shall appear on the ballot only if she or he is registered as preferring the Green Party and has filed a nomination paper pursuant to Chapter 5 (commencing with Section 6850) of Part 1 of Division 6, signed on the candidate's behalf by Green Party voters of the county council election district in which she or he is a candidate.*

**Adds Elections Code 7915**

*In counties where members of county councils are to be elected by district, a person seeking election as a member of a county council may seek election only in the district in which she or he resides.*

**Adds Elections Code 7916**

*Notwithstanding any other provision of this code, a person may obtain and circulate nomination papers for both nomination to a public office and for election as a member of a county council.*

**Adds Elections Code 7917**

*Notwithstanding any other provision of this code, the number of sponsors that shall be required of a person to be a candidate for member of a county council shall be either not less than 20 sponsors, or not less than 2 percent of the number of voters registered as preferring the Green Party in the county council election district, whichever is less.*

**Adds Elections Code 7918**

*Notwithstanding any other provision of this code, each sponsor is entitled to sponsor as many candidates as there are seats in the district. Candidate names listed on a single sponsor's certificate, and the signatures on the certificate shall count toward the sponsor requirement of each and every candidate whose name is listed on the certificate. The number of*

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*candidates having their names on a sponsor's certificate shall not exceed the number of members of a county council to be elected in the district.*

#### **Adds Elections Code 7919**

*The elections official of each county shall include the office of member of county council and the candidates for the office in a place and manner similar to that for the office of county central committee of other political parties and the candidates for that office on the applicable official lists.*

#### **Adds Elections Code 7920**

*The order of appearance of the names of the candidates for member of county council on the ballot shall be determined by a public drawing held at the time, place, and manner prescribed for determining the order of names of county central committee members pursuant to Chapter 2 (commencing with Section 13100) of Division 13.*

#### **Adds Elections Code 7921**

*The office of member of county council shall be placed on the presidential primary ballot under the heading "Party County Council" in the place and manner designated for the office of county central committee pursuant to Chapter 2 (commencing with Section 13100) of Division 13. The subheading printed under party central committees on the presidential primary ballot shall be in substantially the following form: Member of Green Party County Council,      the                      District or Member of the Green Party County Council,              County.*

#### **Adds Elections Code 7922**

*Except as otherwise provided in this section, the votes cast for each candidate for member of county council shall be included in the canvass and statement of results in a manner similar to the vote for each candidate for county central committees pursuant to Division 15 (commencing with Section 15000), and specifically:*

*(a) The final total of votes cast for each candidate for member of county council, including the name, address, and ballot designation of each such candidate, and a specification as to which candidates were declared elected shall be certified to the Secretary of State without delay upon completion of the official canvass. The county clerk shall simultaneously send one copy of this final certification to the Green Party Liaison to the Secretary of State.*

*(b) As soon as practicable after the presidential primary election, the Secretary of State shall prepare a certified list, by county, of all elected Green*

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*Party members of county councils, including their addresses and primary election ballot designations. The Secretary of State shall send copies of the list to the registrar of voters in each county no later than 45 days following the presidential primary election. This list shall be maintained for public inspection by the registrars of voters in each county until a subsequent list is received.*

*(c) The Secretary of State, no later than 45 days following the presidential primary election, shall send a notice by mail to each of the elected members of county councils that informs the person that she or he has been elected as a member of the county council. The Secretary of State shall send a copy of the certified list of all elected members of all county councils to the Green Party Liaison to the Secretary of State.*

**Adds Elections Code 7923**

*Notwithstanding any other provision of this code, a write-in candidate for member of county council shall not be declared elected unless the write-in candidate has received a number of votes equal to or greater than 2 percent of the number of party members voting in the county council election district at the presidential primary or 20 votes, whichever is less.*

**CHAPTER 4. State Coordinating Committee**

**Adds Elections Code 7924**

*The members of the state coordinating committee shall be elected as provided in the Green Party bylaws and shall have the responsibilities described in those bylaws.*

**Adds Elections Code 7925**

*A person shall not be a member of the state coordinating committee unless she or he is registered as a voter preferring the Green Party.*

**Adds Elections Code 7926**

*The state coordinating committee shall hold meetings at least once during each year.*

**Adds Elections Code 7927**

*(a) The state coordinating committee shall have the authority to certify, as provided by Green Party bylaws, county council members in the following counties:*

*(1) Counties where no county council candidates qualified for the ballot in the preceding presidential primary election.*

*(2) Counties where all members of the county council have become disqualified from holding office.*

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*(b) County council members certified pursuant to this section shall meet the qualifications otherwise required for county council members. County council members certified pursuant to this section shall be reported by the state coordinating committee to the applicable county elections officials. County council members certified under this section shall have all the powers and privileges otherwise afforded to county councils.*

**Adds Elections Code 7928**

*The state coordinating committee shall communicate in writing to the Secretary of State the identity of the Green Party Liaison to the Secretary of State.*

**SEC. 5.**

**Adds Elections Code 7928**

*Section 1.5 of this bill incorporates amendments to Section 3019 of the Elections Code proposed by both this bill and Assembly Bill 1020. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2016, (2) each bill amends Section 3019 of the Elections Code, and (3) this bill is enacted after Assembly Bill 1020, in which case Section 1 of this bill shall not become operative*

**SEC. 6.**

**Adds Elections Code 7928**

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

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**ELECTIONS: SPECIAL ELECTIONS: ALL-MAILED BALLOT ELECTIONS**

**[Assembly Bill 547](#)**

**Chapter 727**

**CURRENT PROVISIONS:**

Existing law authorizes, until January 1, 2020, San Diego County to conduct, as a pilot program, an all-mailed ballot special election or special consolidated election to fill a congressional or legislative vacancy under specified conditions. If such an election is conducted, existing law requires San Diego County to report certain information to the Legislature and the Secretary of State regarding the success of the election.

**NEW PROVISIONS:**

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Authorizes, until January 1, 2021, San Diego County, or any city, school district, community college district, special district, or other district or political subdivision whose boundaries are located wholly within San Diego County, to conduct an all-mailed ballot special election or special consolidated election to fill a vacancy on the legislative or governing body of those entities.

Authorizes entities, as specified above, to also hold an all-mailed ballot special election for county initiatives, city initiatives, district initiatives, bond issues, and school measures conducted pursuant to specified provisions.

**Extends the pilot program for San Diego County, as described above, until January 1, 2021.**

Requires certain voter education workshops to be conducted in-person.

**SECTIONS AFFECTED:**

**SECTION 1.**

**Amends Elections Code 4000.5**

(a) Notwithstanding Section 4000 or any other law, as a pilot program, an all-mailed ballot special election or special consolidated election in San Diego County may be conducted ~~to fill a vacancy in a congressional or legislative office if all of the following apply:~~ *by an eligible entity if the special election or special consolidated election is any of the following:*

~~(1) The congressional or legislative district lies wholly within San Diego County.~~

*(1) A special election to fill a vacancy in a congressional or legislative office.*

*(2) A special election to fill a vacancy in the legislative body or governing body.*

*(3) A special election conducted pursuant to Chapter 2 (commencing with Section 9100), Chapter 3 (commencing with Section 9200), Chapter 4 (commencing with Section 9300), Chapter 5 (commencing with Section 9400), or Chapter 6 (commencing with Section 9500) of Division 9.*

*(b) A special election or special consolidated election described in paragraphs (1) to (3), inclusive, of subdivision (a), may be conducted wholly as an all-mailed ballot election if all of the following apply:*

*(1) ~~The~~ (A) For a special election to fill a vacancy in a congressional or legislative office, the Board of Supervisors of San Diego County, by resolution, authorizes the use of mailed ballots for the ~~election.~~ *election and the congressional or legislative district lies wholly within San Diego County.**

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(B) For all other special elections the legislative body or governing body of the eligible entity, by resolution, authorizes the use of mailed ballots for the election.

(2) The election does not occur on the same date as a statewide direct primary election, statewide general election, or any other election conducted in an overlapping jurisdiction that is not consolidated and conducted wholly by mail.

(3) (A) If the boundaries of the ~~congressional or legislative district~~ jurisdiction of the eligible entity overlap with the boundaries of a city, at least one ballot dropoff location is provided per city and ~~that~~ that is open during business hours to receive voted ballots beginning not less than seven days before the date of the election.

(4) On at least one Saturday and Sunday on or after the date the ~~county~~ elections official first delivers ballots to voters, the elections official allows any voter to vote the ballot at a satellite location within the ~~congressional or legislative district~~ jurisdiction of the eligible entity pursuant to Section 3018. The elections official shall determine the hours of operation for each Saturday and Sunday, provided that the satellite location ~~shall be~~ is open to voters for a minimum of six hours on each designated Saturday and Sunday.

(5) (A) At least one polling place is provided per ~~city~~ eligible entity or the polling places are fixed in a manner so that there is one polling place for every 10,000 registered voters within the ~~congressional or legislative district~~, jurisdiction of the eligible entity, as determined on the 88th day ~~prior to~~ before the day of the election, whichever results in more polling places. A polling place shall allow a voter to request and vote a ballot between 7 a.m. and 8 p.m. on the day of the election.

(B) The polling places provided under this section shall be established in accordance with the accessibility requirements described in Article 5 (commencing with Section 12280) of Chapter 3 of Division 12, the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Help America Vote Act of 2002 (~~42 U.S.C. Sec. 15304~~ 52 U.S.C. Sec. 20901 et seq.), and the federal Voting Rights Act of 1965 (~~42 U.S.C. Sec. 1974~~ 52 U.S.C. Sec. 10101 et seq.), and shall, to the extent possible, ensure that access is evenly distributed throughout the ~~congressional or legislative district~~, jurisdiction of the eligible entity.

(D) If a polling place consolidates one or more precincts for which the ~~county~~ elections official is required to recruit precinct board members who are fluent in a language in addition to English pursuant to ~~subdivision (c) of Section 12303 or the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1974~~ (52 U.S.C. Sec. 10101 et seq.), the elections official shall ~~make reasonable~~

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~~efforts to ensure that the polling place is staffed by precinct board members who speak these languages.~~ that language.

(E) *If a polling place consolidates one or more precincts for which the elections official is required to recruit precinct board members who are fluent in a language in addition to English pursuant to subdivision (c) of Section 12303, the elections official shall make reasonable efforts to ensure that the polling place is staffed by precinct board members who speak that language.*

(6) (A) The ~~county~~ elections official delivers to each voter all supplies necessary for the use and return of the mail ballot, including an envelope for the return of the voted mail ballot with postage prepaid.

(B) The ~~county~~ elections official delivers to each voter, with either the sample ballot sent pursuant to Section 13303 or with the voter's ballot, all of the following:

(i) A notice, translated in all languages required under subdivision (c) of Section 14201 and Section 203 of the federal Voting Rights Act of 1965 (~~42 U.S.C. Sec. 1974~~ 52 U.S.C. Sec. 10101 et seq.), that informs voters of all of the following:

(I) An all-mailed ballot election is being conducted and each eligible voter will receive a ballot by mail.

(II) The voter may cast a ballot in person at a satellite location provided for under paragraph ~~(5)~~ (4) or at a polling place on election day.

(III) The voter may request the ~~county~~ elections official to send a vote by mail ballot in a language other than English pursuant to Section 203 of the federal Voting Rights Act of 1965 (~~42 U.S.C. Sec. 1974~~ 52 U.S.C. Sec. 10101 et seq.) or a facsimile copy of the ballot printed in ~~other languages~~ a language other than English pursuant to Section 14201.

(ii) A list of the ballot dropoff locations, satellite locations, and polling places established pursuant to this section. The list shall also be posted on the Internet Web site of the ~~county~~ elections official.

(iii) A postage-paid postcard that the voter may return to the ~~county~~ elections official for the purpose of requesting a vote by mail ballot in a language other than English.

(7) (A) The ~~county~~ elections official submits to the Secretary of State a voter education and outreach plan to be implemented by the ~~county~~ eligible entity for any election conducted pursuant to this section. The voter education and outreach plan shall include, but shall not be limited to, all of the following:

(i) One education and outreach meeting that ~~shall include~~ includes representatives, advocates, and other stakeholders representing each community for which the ~~county~~ eligible entity is required to provide voting materials and assistance in ~~other languages~~ a language other than English under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 (~~42 U.S.C. Sec. 1974~~ 52 U.S.C. Sec. 10101 et seq.).

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(ii) One education and outreach meeting that ~~shall include~~ *includes* representatives from community organizations and individuals that advocate on behalf of, or provide services to, individuals with disabilities.

(iii) At least one *in-person* bilingual voter education ~~program~~ *workshop* for each language in which the ~~county~~ *eligible entity* is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 ~~(42 U.S.C. Sec. 1974~~ *(52 U.S.C. Sec. 10101* et seq.).

(iv) At least one *in-person* voter education ~~program~~ *workshop* to increase accessibility for participation of eligible voters with disabilities.

(v) A toll-free voter assistance hotline maintained by the ~~county~~ elections official that ~~shall be~~ *is* operational no later than the date that vote by mail ballots are mailed to voters until 5 p.m. on the day after the special election. The toll-free voter assistance hotline shall provide assistance to voters in all languages in which the ~~county~~ *eligible entity* is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 ~~(42 U.S.C. Sec. 1974~~ *(52 U.S.C. Sec. 10101* et seq.).

(vii) At least one public service announcement in the media, including newspapers, radio, and television, that serve non-English-speaking citizens for each language in which the ~~county~~ *eligible entity* is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 ~~(42 U.S.C. Sec. 1974~~ *(52 U.S.C. Sec. 10101* et seq.) for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.

(B) The voter education and outreach plan shall be posted on the Internet Web site of the Secretary of State and on the Internet Web site of the ~~county~~ elections official.

(c) Except as otherwise provided in this section, the election day procedures shall be conducted in accordance with Division 14 (commencing with Section 14000).

(d) The ~~county~~ elections official may provide, at his or her discretion, additional ballot dropoff locations and polling places for purposes of this section.

(e) The return of voted mail ballots is subject to Sections 3017 and 3020.

(f) (1) If the ~~county~~ *eligible entity* conducts a special election pursuant to this section, it may process vote by mail ballot return envelopes beginning 29 days before the election. Processing vote by mail ballot return envelopes may include verifying the voter's signature on the vote by mail ballot return envelope and updating voter history records.

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(2) If the ~~county~~ eligible entity conducts a special election pursuant to this section, it may start to process vote by mail ballots on the 10th business day before the election. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, but under no circumstances shall a vote count be accessed or released until 8 p.m. on the day of the election.

(g) Results of any vote by mail ballot tabulation or count shall not be released before the close of the polls on the day of the election.

(h) For the sole purpose of reporting the results of an election conducted pursuant to this section, upon completion of the ballot count, the ~~county~~ elections official shall divide the jurisdiction into precincts pursuant to Article 2 (commencing with Section 12220) of Chapter 3 of Division 12 and shall prepare a statement of the results of the election in accordance with Sections 15373 and 15374.

(i) The ~~county~~ elections official shall compile an index, list, or file of all persons who voted in an election conducted pursuant to this section. If the elections official uses data-processing equipment to compile the index, list, or file, he or she shall retain an accurate copy of that index, list, or file in electronic format for a period of 10 years.

(j) (1) If an election is conducted pursuant to this section, ~~San Diego County~~ the eligible entity shall report to the Legislature and to the Secretary of State regarding the success of the election, including, but not limited to, ~~any statistics on the cost to conduct the election; the turnout of different populations, including, but not limited to and to the extent possible, the population categories of race, ethnicity, language preference, age, gender, disability, permanent vote by mail status, and political party affiliation as it relates to the languages required under the federal Voting Rights Act of 1965; the number of ballots that were not counted and the reasons they were rejected; voter fraud; and any other problems that became known to the county during the election or canvass.~~ all of the following:

(A) *Any statistics on the cost to conduct the election.*

(B) *The turnout of different populations, including, but not limited to and to the extent possible, the population categories of race, ethnicity, language preference, age, gender, disability, permanent vote by mail status, and political party preference.*

(C) *The number of ballots that were not counted and the reasons they were rejected.*

(D) *Voter fraud.*

(E) *Any other problems that become known to the eligible entity during the election or canvass.*

(2) Whenever possible, using the criteria set forth in paragraph (1), the report shall compare the election conducted pursuant to this section to

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similar elections not conducted pursuant to this section in the same jurisdiction or comparable jurisdictions.

(3) Within six months after the date of the election or ~~prior to~~ *before* the date of a subsequent election conducted pursuant to this section, whichever is sooner, ~~San Diego County~~ *the eligible entity* shall do all of the following with respect to the report required by this subdivision:

(A) Submit the report to the Legislature in compliance with Section 9795 of the Government Code.

(B) Submit the report to the Secretary of State.

(C) Post the report on the Internet Web site of the ~~county~~ elections official.

(k) *For purposes of this section, "eligible entity" means both of the following:*

(1) *San Diego County.*

(2) *A city, school district, community college district, special district, or other district or political subdivision organized pursuant to state law, whose boundaries are located wholly within San Diego County.*

*(l) This section shall remain in effect only until January 1, 2020, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, 2021, deletes or extends that date.*

**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 voting behavior, demographic characteristics, and unique special election experiences of San Diego County. It is the intent of the Legislature that the provisions of this act continue the pilot program that may be used for future special elections.*

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**ELECTIONS: PRECINCT BOARD MEMBERS**

**Assembly Bill 554**

**Chapter 150**

**CURRENT PROVISIONS:**

Existing law requires that each member of a precinct board be a voter of the county, except that an elections official may appoint not more than 5 pupils per precinct to serve under the direct supervision of designated board members, as specified.

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Requires that a pupil must be a United States citizen or be a citizen at the time of the election for which he or she is serving as a member of the precinct board.

**NEW PROVISIONS:**

Authorizes an elections official to appoint a pupil who is a lawful permanent resident in the United States, as defined in federal law, to serve as a precinct board member.

**SECTIONS AFFECTED:**

**SECTION 1.**

**Amends Elections Code 12302**

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

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**PUBLIC OFFICERS AND EMPLOYEES: OATH OF OFFICE**

**[Assembly Bill 630](#)**

**Chapter 365**

**CURRENT PROVISIONS:**

The California Constitution requires Members of the Legislature, and all public officers and employees, to take and subscribe a specified oath of office or affirmation.

The California Constitution permits inferior officers and employees to be exempted by law from this requirement.

Existing law, in the case of particular officers, requires the oath, after being administered, to be filed in designated offices.

Requires the oath or affirmation of disaster service workers to be filed in designated offices.

Requires the written appointment of a deputy of a county official to be filed as specified.

**NEW PROVISIONS:**

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Authorizes a county board of supervisors to require a new oath or affirmation to be filed within 10 days of a legal change in name, delegated authority, or department by an officer or department head of that county.

Authorizes the county to maintain a record, subject to disclosure under the California Public Records Act, of each person so required to file a new oath of office, indicating whether or not the person has complied.

Specifies that failure to comply with this requirement for a new oath or affirmation is not punishable as a crime.

Specifies that the powers of an appointed officer of a county are no longer granted upon the officer's departure from office, authorizes a county board of supervisors to require the appointing authority to rescind these powers in writing by filing a revocation in the same manner as the oath of office was filed.

Authorizes a county board of supervisors to require a new oath or affirmation to be filed within 10 days of a change in legal name by a disaster service worker of that county.

Authorizes the county to maintain a record, subject to disclosure under the California Public Records Act, of each person so required to file a new oath of office, indicating whether or not the person has complied.

Specifies that failure to comply with this requirement for a new oath or affirmation is not punishable as a crime.

Authorizes a county board of supervisors to require a new appointment to be filed within 10 days of a legal change in name, delegated authority, or department by an appointed deputy of that county.

Authorizes the county to maintain a record, subject to disclosure under the California Public Records Act, of each person so required to file a new oath of office, indicating whether or not the person has complied.

Expands the scope of existing crime of violating an oath or affirmation and imposes a state-mandated local program.

## **SECTIONS AFFECTED:**

### ***SECTION 1.***

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**Amends Government Code 1363**

(3) Each judge of a superior court, the county clerk, the clerk of the court, the executive officer or court administrator of the superior court, and the recorder shall file a copy of his or her official oath, signed with his or her own proper signature, in the office of the Secretary of State as soon as he or she has taken and subscribed his or her oath.

(4) The oath of all officers for any independent special district, as defined in Section 56044, in the office of the clerk or secretary of that district.

(b) (1) *In its discretion, the board of supervisors of a county may require every elected or appointed officer or department head of that county who legally changes his or her name, delegated authority, or department, within 10 days from the date of the change, to file a new oath of office in the same manner as the original filing. The county may maintain a record of each person so required to file a new oath of office indicating whether or not the person has complied. Any record maintained pursuant to this paragraph is a public record subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7).*

(2) *Notwithstanding any other law, including, but not limited to, Sections 1368 and 1369, failure of an elected or appointed officer or department head of a county to file a new oath of office required by the board of supervisors pursuant to this subdivision shall not be punishable as a crime.*

(d) *The powers of an appointed officer of a county are no longer granted upon the officer's departure from office. In its discretion, the board of supervisors of a county may require the appointing authority to rescind these powers in writing by filing a revocation in the same manner as the oath of office was filed.*

**SEC. 2.**

**Amends Government Code 3105**

(e) (1) *In its discretion, the board of supervisors of a county may require every disaster service worker of that county who legally changes his or her name, within 10 days from the date of the change, to file a new oath or affirmation in the same manner as the original filing. The county may maintain a record of each person so required to file a new oath of office indicating whether or not the person has complied. Any record maintained pursuant to this paragraph is a public record subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7).*

(2) *Notwithstanding any other law, including, but not limited to, Sections 3108 and 3109, failure of a disaster service worker to file a new oath of office required by the board of supervisors pursuant to this subdivision shall not be punishable as a crime.*

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](http://www.leginfo.ca.gov)

**SEC. 3.**  
**Amends Government Code 24102**

(a) An appointee shall not act as deputy until:

(1) A written appointment by the deputy's principal is filed with the county clerk.

(2) A copy of the appointment is filed with the county auditor, if the auditor has so requested.

(3) The deputy has taken the oath of office.

*(b) In its discretion, the board of supervisors of a county may require every appointed deputy of that county who legally changes his or her name, delegated authority, or department, within 10 days from the date of the change, to file a new appointment in the same manner as the original filing. The county may maintain a record of each person so required to file a new oath of office indicating whether or not the person has complied. Any record maintained pursuant to this subdivision is a public record subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).*

(c) A revocation of the appointment of any deputy shall be made and filed in the same manner as the appointment.

(d) Five years after the date of revocation of appointment of a deputy, the written oath of office subscribed to by such deputy may be destroyed and no reproduction thereof need be made or preserved.

**SEC. 4.**

*No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

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**VOTING ACCESSIBILITY ADVISORY COMMITTEE**

**Assembly Bill 683**  
**Chapter 334**

**CURRENT PROVISIONS:**

Existing law, the Visually Impaired Voter Assistance Act of 1989, requires the Secretary of State to establish a Visually Impaired Voter Assistance Board and prescribes the composition of the board, as specified.

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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Existing law requires the board to, among other things, make recommendations to the Secretary of State for improving the availability and accessibility of ballot pamphlet audio recordings and their delivery to visually impaired voters.

Existing law requires the Secretary of State to make available the complete state ballot pamphlet over the Internet, which is required to include specified information.

Existing law authorizes county and city elections officials to establish procedures designed to permit a voter to opt out of receiving his or her sample ballot, voter pamphlet, notice of polling place, and associated materials by mail, and instead obtain them electronically via email or by accessing them on the county's or city's Internet Web site, as specified.

### **NEW PROVISIONS**

Renames the board as the Voting Accessibility Advisory Committee

Requires the committee to advise the Secretary of State on improving the accessibility of elections, including election materials, as specified, for all voters with disabilities.

Revises the composition of the committee, as specified.

Requires the Secretary of State to consult with the committee and consider the committee's recommendations, which the Secretary of State can implement at his or her discretion.

Requires the committee to make additional recommendations to the Secretary of State for improving the accessibility of election materials made available over the Internet

Requires the elections materials made available over the Internet to meet or exceed certain standards and guidelines, as specified.

Requires the committee to make recommendations for providing voters with disabilities the same access and participation as is provided to other voters who are not disabled, including the ability to vote privately and independently.

### **SECTIONS AFFECTED:**

#### **SECTION 1. Amends Elections Code 2053**

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](http://www.leginfo.ca.gov)

~~(a) The Secretary of State shall establish a Visually Impaired Voter Assistance Advisory Board. This board shall consist of the Secretary of State, or his or her designee, and the following membership, appointed by the Secretary of State: Voting Accessibility Advisory Committee. The Secretary of State shall consult with the committee and consider the committee's recommendations related to improving the accessibility of elections for voters with disabilities. The Secretary of State may implement the committee's recommendations as he or she deems appropriate.~~

~~(1) A representative from the State Advisory Council on Libraries.~~

~~(2) One member from each of three private organizations. Two of the organizations shall be representative of organizations for blind persons in the state.~~

*(a) The committee shall consist of the Secretary of State, his or her designees, and additional members appointed by the Secretary of State. The appointees shall have demonstrated experience with accessibility requirements for voters with disabilities or be a county elections official.*

*(b) The ~~board~~ committee shall serve in an advisory capacity to the Secretary of State and shall do all of the following:*

*(1) Establish guidelines for reaching as many ~~visually impaired persons~~ voters with disabilities as practical.*

*(2) Make recommendations to the Secretary of State for improving the availability and accessibility of ~~ballot pamphlet audio recordings~~ election materials including, but not limited to, sample ballots, voter information pamphlets, and vote-by-mail ballots, and their delivery in print or alternative formats to visually impaired voters. ~~The Secretary of State may implement the recommendations made by the board.~~ voters with disabilities.*

*(3) Increase the distribution of public service announcements identifying the availability of ~~ballot pamphlet audio recordings~~ election materials for voters with disabilities at least 45 days before any federal, state, and local election.*

*(4) Make recommendations for improving the accessibility of election materials made available on Internet Web sites that are in compliance with the most current, ratified standards under Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), as amended, and the Web Content Accessibility Guidelines 2.0 adopted by the World Wide Web Consortium for accessibility.*

*(5) Promote the Secretary of State's toll-free voter registration telephone line for citizens needing voter registration information, including information for ~~those who are visually handicapped~~, individuals with disabilities, and the ~~toll-free telephone service regarding the California State Library and regional library~~ service services for the visually impaired.*

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individuals who are unable to read conventional print due to a visual, intellectual, learning, physical, or any other disability.

(6) *Make recommendations for providing voters with disabilities the same access and participation as is provided to other voters who are not disabled, including the ability to vote privately and independently.*

(7) *Establish subcommittees to further the scope and purposes of the committee as they relate to improving voter services and access for individuals with disabilities, including, but not limited to, visually impaired voters and deaf or hard of hearing voters.*

(8) *Promote the use of plain language and alternative formats for election materials.*

(9) *Make recommendations for materials to train poll workers on issues related to serving voters with disabilities and providing accessible voting locations.*

(c) ~~No~~ ~~A~~ member shall not receive compensation, but each member shall be reimbursed for his or her reasonable and necessary expenses in connection with service on the ~~board.~~ committee.

## **SEC. 2. Amends Elections Code 9082.7**

*(c) Information made available over the Internet pursuant to this section shall meet or exceed the most current, ratified standards under Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), as amended, and the Web Content Accessibility Guidelines 2.0 adopted by the World Wide Web Consortium for accessibility. The Secretary of State may also implement recommendations of the Voting Accessibility Advisory Committee made pursuant to paragraph (4) of subdivision (b) of Section 2053.*

## **SEC. 3. Amended Elections Code 13300.7**

Notwithstanding any other ~~provision of~~ law, county and city elections officials may establish procedures designed to permit a voter to opt out of receiving his or her sample ballot, voter pamphlet, notice of polling place, and associated materials by mail, and instead obtain them electronically via ~~e-mail~~ email or by accessing them on the county's or city's Internet Web site, provided that all of the following conditions are met:

(b) The voter ~~e-mail~~ email address or any other information provided by the voter under this section remains confidential pursuant to Section 6254.4 of the Government Code and Section 2194 of this code.

(f) The procedures ~~must~~ shall include a verification process to confirm the voter's identity, either in writing with a signature card that can be matched to the one on file with the ~~elections officials,~~ official, or if the request

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is submitted electronically, it shall contain the voter's California driver's license number, California identification number, or a partial social security number.

*(g) Information made available over the Internet pursuant to this section shall meet or exceed the most current, ratified standards under Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), as amended, and the Web Content Accessibility Guidelines 2.0 adopted by the World Wide Web Consortium for accessibility. Election officials may also implement recommendations of the Voting Accessibility Advisory Committee made pursuant to paragraph (4) of subdivision (b) of Section 2053, and of any local Voting Accessibility Advisory Committee created pursuant to the guidelines promulgated by the Secretary of State related to the accessibility of polling places by the physically handicapped.*

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## LOCAL INITIATIVE MEASURES: BALLOT PRINTING SPECIFICATIONS

### Assembly Bill 809

#### Chapter 337

#### **CURRENT PROVISIONS:**

Existing law requires that the ballots used when voting on a proposed county, city, or district ordinance submitted to the voters as an initiative measure have printed on them specified text relating to the proposed ordinance and dictates the placement of that text.

#### **NEW PROVISIONS:**

Requires that if the ordinance proposes to impose a tax or raise the rate of a tax to be levied, the ballot include in the statement of the ordinance the amount of money to be raised annually and the rate and duration of the tax to be levied.

Creates a state-mandated local program.

#### **SECTION AFFECTED:**

#### **SECTION 1.**

#### **Amends Elections Code 13119**

*(b) If the proposed ordinance imposes a tax or raises the rate of a tax, the ballot shall include in the statement of the ordinance to be voted on the amount of money to be raised annually and the rate and duration of the tax to be levied.*

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**SEC. 2.**

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

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**LOCAL GOVERNMENT: VACANCIES**

**Assembly Bill 952**  
**Chapter 185**

AB 952

**CURRENT PROVISIONS:**

Existing law requires a city council, within 60 days of a vacancy in an elective office, to fill that vacancy by appointment or call a special election to fill the vacancy, and provides that a person elected or appointed to fill a vacancy holds office for the unexpired term of the former incumbent.

**NEW PROVISIONS:**

Provides that if the council fills a vacancy in an elective office by appointment, and that vacancy occurred in the first half of the term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy holds office until the next general municipal election at which a person is elected to fill that vacancy, and thereafter, until the person elected is qualified.

Provides that if the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general municipal election, or if the vacancy occurs in the second half of the term of office, the person appointed to fill the vacancy holds office for the unexpired term of the former incumbent.

**SECTION AFFECTED:**

**SEC. 3. SECTION 1.**  
**Amends Government Code 36512**

*(1) If the council calls a special election, the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. ~~A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent. A person elected to fill a vacancy holds office for the unexpired term of the former incumbent.~~*

*(2) If the council fills the vacancy by appointment, the person appointed to fill the vacancy shall hold office pursuant to one of the following:*

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(A) *If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general municipal election, the person appointed to fill the vacancy shall hold office until the next general municipal election that is scheduled 130 or more days after the date the council is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.*

(B) *If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general municipal election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall hold office for the unexpired term of the former incumbent.*

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## ELECTIONS: VOTER REGISTRATION

### Assembly Bill 1020

#### Chapter 728

#### **CURRENT PROVISIONS:**

Existing law provides that a person is entitled to register to vote if he or she is a United States citizen, a resident of California, not in prison or on parole for the conviction of a felony, and at least 18 years of age at the time of the next registration.

Existing law authorizes county elections officials, under specified circumstances and in order to promote and encourage voter registrations, to deputize as registrars qualified citizens to register voters anywhere within the county.

Existing law requires the county elections official to accept affidavits of registration at all times except during the 14 days immediately preceding an election and requires the county elections official to accept an affidavit of registration executed as part of a voter registration card in the forthcoming election if the affidavit is executed on or before the 15th day prior to the election and if a specified circumstance applies.

Existing law authorizes the county elections official of any county to receive the affidavit of registration of any elector who resides or claims residence in another county in this state and provides that this method of registration is effective for all elections occurring 29 or more days after receipt of the affidavit of registration.

Existing law also sets forth the acceptance procedure for the county elections official in the event a voter provides notification of a change of address.

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Existing law authorizes any person filing with the county elections official a new affidavit of registration or reregistration to have the information relating to his or her residence address, telephone number, and email address appearing on the affidavit, or any list, roster, or index prepared therefrom, declared confidential upon a superior court order, as specified.

Existing law requires the county elections official to print a complete index and authorizes the official to print a continuing index, by precinct, to the affidavits of registration current at the date of printing. Each county elections official is also required to send to the Secretary of State a summary statement of the number of voters in the county.

Existing law requires the county elections official to cancel voter registration at the signed, written request of the person registered, when the mental incompetency of the person registered is legally established, upon proof that the person is presently imprisoned or on parole for the conviction of a felony, upon the production of a certified copy of a judgment directing that the cancellation be made, or upon the death of the person registered.

Existing law, in specified circumstances, requires a court to determine whether a person is capable of completing an affidavit of registration or otherwise qualified to vote. If the court determines that the person is not capable of completing the affidavit or is not qualified to vote, the court is required to order the person to be disqualified from voting and to notify the county elections official. In the event a person's right to register to vote is restored, the court is required to notify the county elections official.

Existing law authorizes a county elections official to send an alternate residency confirmation postcard to a voter if the voter has not voted in an election within the preceding 4 years and his or her residence address, name, or party affiliation has not been updated during that time. A county elections official is required to send a forwardable notice to a voter to enable the voter to verify or correct residency information based on change-of-address data.

Existing law provides that any deputy registrar of voters having charge of affidavits of registration is guilty of a misdemeanor who knowingly neglects or refuses to return affidavits of registration.

**NEW PROVISIONS:**

Provides that a person is entitled to preregister to vote in an election if, among other things, that person is at least a certain age.

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Deletes the authorization for county elections officials to deputize as registrars qualified citizens to register voters anywhere within a county.

Provides for changes of rules to include address, confidential voter status, electronic copies of certain indices, cancellation of registration in relation to mental incompetency, and certain disqualifying crimes.

**SECTIONS AFFECTED:**

**SECTION 1.**

**Amends Elections Code 2000**

*(c) Pursuant to Section 2102, any person who is at least 16 years of age and otherwise meets all eligibility requirements to vote is eligible to preregister to vote, but is not eligible to vote until he or she is 18 years of age.*

**SEC. 2.**

**Amends Elections Code 2101**

*(a) A person entitled to register to vote shall be a United States citizen, a resident of California, not ~~in prison~~ imprisoned or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election.*

*(b) A person entitled to preregister to vote in an election shall be a United States citizen, a resident of California, not imprisoned or on parole for the conviction of a felony, and at least 16 years of age.*

**SEC. 3.**

**Amends Elections Code 2103**

(a) It is the intent of the Legislature that the election board of each county, in order to promote and encourage voter registrations, shall establish a sufficient number of registration places throughout the county, and outside the county courthouse, for the convenience of persons desiring to register, to the end that registration may be maintained at a high level.

(b) It is also the intent of the Legislature that county elections officials, in order to promote and encourage voter registrations, shall enlist the support and cooperation of interested citizens and organizations, ~~and shall deputize as registrars qualified citizens~~ in such a way as to reach most effectively every resident of the county. ~~The persons so deputized shall be permitted to register voters anywhere within the county, including at the places of residence of the persons to be registered, and the county elections official shall not deny deputy registrars the right to register voters anywhere in the county.~~

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(c) It is also the intent of the Legislature that non-English-speaking citizens, like all other citizens, should be encouraged to vote. Therefore, appropriate efforts should be made to minimize obstacles to registration by citizens who lack sufficient skill in English to register without assistance.

(d) It is the intent of the Legislature that county elections officials be permitted to distribute affidavits of registration and voter registration cards, in all languages required by Section 203 ~~(42 (52 U.S.C. Sec. 1973aa-1a) 10503)~~ or Section 4(f)(4) ~~(42 (52 U.S.C. Sec. 1973b(f)(4)) 10303(f)(4))~~ of the federal Voting Rights Act of 1965, by using the county's Internet Web site.

### Repeals Elections Code 2104

#### **SEC. 5. of the Elections Code, as amended by Section 2 of Chapter 619 of the Statutes of 2014, is amended to read:**

##### **Amends Elections Code 2106**

A program adopted by a county pursuant to Section 2103 or 2105, that is designed to encourage the registration of electors, shall, with respect to a printed literature or media announcement made in connection with these programs, contain this statement: "A person entitled to register to vote must be a United States citizen, a resident of California, not ~~in prison~~ *imprisoned* or on parole for the conviction of a felony, and at least 18 years of age at the time of the election. A person may preregister to vote if he or she is a United States citizen, a resident of California, not ~~in prison~~ *imprisoned* or on parole for the conviction of a felony, and at least 16 years of age." A county elections official may continue to use existing materials before printing new or revised materials required by any changes to this section.

#### **SEC. 6. of the Elections Code, as enacted by Section 2 of Chapter 920 of the Statutes of 1994, is amended to read:**

##### **Amends Elections Code 2106**

Any program adopted by a county pursuant to Section 2103 or 2105, that is designed to encourage the registration of electors, shall, with respect to any printed literature or media announcements made in connection with these programs, contain this statement: "A person entitled to register to vote must be a United States citizen, a resident of California, not ~~in prison~~ *imprisoned* or on parole for the conviction of a felony, and at least 18 years of age at the time of the election."

### Repeals Elections Code 2107

### Repeals Elections Code 2108

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**Repeals Elections Code 2109**

**Repeals Elections Code 2110**

**Repeals Elections Code 2113**

**SEC. 13.**

**Amends Elections Code 2114**

The county elections official of any county in this state may receive the affidavit of registration of any elector who resides or claims residence in another county in this state. The affidavit shall be forwarded to the county elections official of the county in which the elector resides. The county elections official of the county in which the elector resides shall use the affidavit of registration received from the other county as his or her permanent record of registration.

Registration by this method shall be effective for all elections occurring ~~29~~ 15 or more days after receipt of the affidavit of registration by the county elections official ~~or his or her deputy~~ to which the affidavit is mailed or delivered by the elector.

**SEC. 14.**

**Amends Elections Code 2115**

Whenever a voter, between the time of that person's last registration and the time for the closing of registration for any given election ~~in the same county~~, has lawfully changed his or her surname, the voter ~~may~~ shall reregister under the new or changed name. The voter shall make an additional statement at the time of reregistration, giving the name under which he or she was last registered ~~in that county~~.

This additional statement shall be given in the prior registration portion of the affidavit of registration before the affidavit is signed, and shall be deemed a part of the affidavit. Upon reregistration, the ~~last previous~~ registration of the voter shall be ~~cancelled~~ immediately updated.

**Repeals Elections Code 2117**

**Repeals Elections Code 2118**

**Repeals Elections Code 2118.5**

**SEC. 18.**

**Amends Elections Code 2119**

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(a) *Except as provided in subdivision (d) and Chapter 5 (commencing with Section 3400) and Chapter 6 (commencing with Section 3500) of Division 3, the county elections official shall accept affidavits of registration at all times except during the 14 days immediately preceding an election, when registration shall cease for that election as to electors residing in the territory within which the election is held.*

(b) *Transfers of registration for an election may be made from one precinct to another precinct in the same county, from one county to another county, or for a residence address change within the same precinct at any time registration is in progress in the precinct or county to which the elector seeks to transfer. In lieu of executing a new affidavit of registration for a change of address, the county elections official shall accept a notice, a letter of the change of address signed by a voter as he or she is registered, or a written notice. The former address shall be maintained with the voter record and the registration of the voter shall be immediately updated.*

(c) *If the reregistration or transfer is from one county to another county, the county elections official of the county in which the voter was formerly registered shall be notified and the registration of the voter shall be immediately updated.*

(d) *The county elections official shall accept an affidavit of registration or a notification for the forthcoming election and shall immediately update the address on the voter's affidavit of registration accordingly if the affidavit of registration or notification is executed on or before the 15th day prior to the election and if any of the following apply:*

(1) *The mailed affidavit of registration or notification is postmarked on or before the 15th day prior to the election and received by mail by the county elections official before the close of the polls on election day.*

(2) *The affidavit of registration or notification is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.) on or before the 15th day prior to the election.*

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

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

(e) *If the registration, reregistration, or notification is executed during the 14 days before an election or is executed on or before the 15th day prior to the election, but does not meet any of the conditions set forth in subdivision (d), the registration of the voter or the update to the registration of*

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*the voter shall be immediately processed, but the voter will not be eligible to vote in that election.*

**(f) This section shall become inoperative on January 1, 2017.**

**SEC. 19.**

**Amends Elections Code 2119**

*(a) Except as provided in subdivision (d), Article 4.5 (commencing with Section 2170), and Chapter 5 (commencing with Section 3400) and Chapter 6 (commencing with Section 3500) of Division 3, the county elections official shall accept affidavits of registration at all times except during the 14 days immediately preceding an election, when registration shall cease for that election as to electors residing in the territory within which the election is held.*

*(b) Transfers of registration for an election may be made from one precinct to another precinct in the same county, from one county to another county, or for a residence address change within the same precinct at any time registration is in progress in the precinct or county to which the elector seeks to transfer. In lieu of executing a new affidavit of registration for a change of address, the county elections official shall accept a notice, a letter of the change of address signed by a voter as he or she is registered, or written notice.*

*The former address shall be maintained with the voter record and the registration of the voter shall be immediately updated.*

*(c) If the reregistration or transfer is from one county to another county, the county elections official of the county in which the voter was formerly registered shall be notified and the registration of the voter shall be immediately updated.*

*(d) The county elections official shall accept an affidavit of registration or a notification for the forthcoming election and shall immediately update the address on the voter's affidavit of registration accordingly if the affidavit of registration or notification is executed on or before the 15th day prior to the election and if any of the following apply:*

*(1) The mailed affidavit of registration or notification is postmarked on or before the 15th day prior to the election and received by mail by the county elections official before the close of the polls on election day.*

*(2) The affidavit of registration or notification is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.) on or before the 15th day prior to the election.*

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

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

(e) *If the registration, reregistration, or notification is executed during the 14 days before an election or is executed on or before the 15th day prior to the election, but does not meet any of the conditions set forth in subdivision (d), the registration of the voter or the update to the registration of the voter shall be immediately processed, but the voter will not be eligible to vote in that election.*

**(f) This section shall become operative on January 1, 2017.**

**SEC. 20.**

**Amends Elections Code 2120**

*(a) If the county elections official receives a letter from a voter stating that the voter has moved to a new address in another county in the state and the voter provides the new address, the elections official shall immediately ~~notify the elections official of the county to which the voter has moved. Upon receipt of the notice, the elections official of the county to which the voter has moved shall send to the voter a voter registration card, and shall instruct the voter that in order to record a change of address, the voter must reregister on a new affidavit of registration. The elections official shall cancel the old registration for any election occurring at least 29 days after the receipt of the letter.~~ update the voter's registration and the former address shall be maintained with the voter record.*

*(b) If the county elections official receives a letter from a voter stating that the voter has moved to a new address in another county in the state and the voter does not provide the new address, the elections official shall cancel the old registration for any election occurring at least 15 days after the receipt of the letter.*

**Repeals Elections Code 2135**

**Repeals Elections Code 2136**

**Repeals Elections Code 2137**

**SEC. 24.**

**Amends Elections Code 2139**

On the day of the close of registration for any election all ~~deputy registrars of voters or~~ individuals and organizations that have submitted plans for distribution shall immediately return all completed affidavits of registration in their possession to the county elections official. Unused affidavits shall be returned upon completion of the distribution plan.

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**SEC. 25.**

**Amends Elections Code 2140**

The county elections official shall report to the district attorney of the county, under oath, the name of any ~~deputy registrar of voters who has~~ individuals or organizations that have submitted plans for distribution who ~~have~~ not complied with this article.

**Repeals Elections Code 2141**

**SEC. 27. of the Elections Code, as amended by Section 8 of Chapter 1 of the Statutes of 2009, is amended to read:**

**Amends Elections Code 2150**

(a) The affidavit of registration shall show:

(1) The facts necessary to establish the affiant as an elector.

(2) The affiant's name at length, including his or her given name, and a middle name or initial, or if the initial of the given name is customarily used, then the initial and middle name. The affiant's given name may be preceded, at affiant's option, by the designation of ~~Miss, Ms., Mrs., or Mr.~~ "Miss," "Ms.," "Mrs.," or "Mr." A person shall not be denied the right to register because of his or her failure to mark a prefix to the given name and shall be so advised on the voter registration card. This subdivision shall not be construed as requiring the printing of prefixes on an affidavit of registration.

(3) The affiant's place of residence, residence telephone number, if furnished, and ~~e-mail~~ email address, if furnished. No person shall be denied the right to register because of his or her failure to furnish a telephone number or ~~e-mail~~ email address, and shall be so advised on the voter registration card.

(d) If any person, ~~including a deputy registrar,~~ assists the affiant in completing the affidavit, that person shall sign and date the affidavit below the signature of the affiant.

**SEC. 28. of the Elections Code, as amended by Section 3 of Chapter 619 of the Statutes of 2014, is amended to read:**

**Amends Elections Code 2150**

(2) The affiant's name at length, including his or her given name, and a middle name or initial, or if the initial of the given name is customarily used, then the initial and middle name. The affiant's given name may be preceded, at affiant's option, by the designation of ~~Miss, Ms., Mrs., or Mr.~~ "Miss," "Ms.," "Mrs.," or "Mr." A person shall not be denied the right to register because of his or her failure to mark a prefix to the given name and shall be so advised on the voter registration card. This subdivision shall not be construed as requiring the printing of prefixes on an affidavit of registration.

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(3) The affiant's place of residence, residence telephone number, if furnished, and e-mail email address, if furnished. A person shall not be denied the right to register because of his or her failure to furnish a telephone number or e-mail email address, and shall be so advised on the voter registration card.

(d) If a person, ~~including a deputy registrar,~~ assists the affiant in completing the affidavit, that person shall sign and date the affidavit below the signature of the affiant.

**SEC. 29.**  
**Amends Elections Code 2155.3**

(b) The voter preregistration notice required by subdivision (a) shall be substantially in the following form:

VOTER PREREGISTRATION NOTICE

Thank you for ~~registering~~ preregistering to vote. You may vote in any election held on or after your 18th birthday.

Your party preference is: (Name of political party)

Before any election in which you are eligible to vote, you will receive a sample ballot and voter pamphlet by mail.

If the information on this card is incorrect, please contact our office or update your ~~registration~~ preregistration at the Internet Web site of the Secretary of State.

**SEC. 30.**  
**Amends Elections Code 2157**

(a) Subject to this chapter, the paper affidavit of registration shall be in a form prescribed by regulations adopted by the Secretary of State. The affidavit shall comply with all of the following:

(1) Contain the information prescribed in Section 2150.

~~(2) Be sufficiently uniform among the separate counties to allow for the processing and use by one county of an affidavit completed in another county.~~

(c) The Secretary of State may continue to supply existing affidavits of registration prior to printing new or revised forms that reflect the changes required pursuant to this section, or Section 2150, ~~or Section 2160.~~

**SEC. 31.**  
**Amends Elections Code 2158**

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~~In addition to registration conducted by deputy registrars of voters, the county County elections official officials shall do all of the following:~~

(a) Provide voter registration cards designed pursuant to subdivision (a) of Section 2157 for the registration of voters at his or her office and in a sufficient number of locations throughout the county for the convenience of persons desiring to register, to the end that registration may be maintained at a high level. The cards shall be available in all languages required by Section 203 ~~(42~~ (52 U.S.C. Sec. ~~1973aa-1a)~~ 10503 or Section 4(f)(4) ~~(42~~ (52 U.S.C. Sec. ~~1973b(f)(4))~~ 10303(f)(4) of the federal Voting Rights Act of 1965.

### **Repeals Elections Code 2160**

#### **SEC. 33. Amends Elections Code 2163**

The Secretary of State shall prepare ~~and print or cause to be printed~~ an appropriate voter registration logo that may be displayed ~~on the windows of~~ by offices, stores, and other establishments indicating the availability of voter registration ~~cards~~ for the public. The Secretary of State, upon request, shall provide these logos free of charge to any interested person or organization ~~that distributes voter registration cards.~~

#### **SEC. 34. Amends Elections Code 2165**

~~Affidavits of registration for the whole of each county shall be filed, as fast as the registration progresses, in any orderly arrangement as prescribed by the county elections official. If the affidavits are not filed alphabetically without regard to precinct, the county elections official shall, by electronic, electromechanical, or other suitable means, provide, for general use in his or her office, a comprehensive, printed alphabetical index to the surnames of voters on all uncanceled affidavits for the whole of the county, whereby the affidavit of registration of any voter may be ascertained and produced. In the case of voters having the same surname, the classification of names appearing on the index shall extend to the given and, where necessary, the middle name or initial shall be processed immediately.~~

#### **SEC. 35. Amends Elections Code 2166**

(a) Any person filing with the county elections official a new affidavit of registration or reregistration may have the information relating to his or her residence address, telephone number, and ~~e-mail~~ email address appearing on the affidavit, or any list or roster or index prepared therefrom, declared confidential upon order of a superior court issued upon a showing of good

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cause that a life-threatening circumstance exists to the voter or a member of the voter's household, and naming the county elections official as a party.

(b) Any person granted ~~confidentiality~~ confidential voter status under subdivision (a) shall:

(1) ~~Be~~ Provide a valid mailing address and be considered a vote by mail voter for all subsequent elections or until the county elections official is notified otherwise by the court or in writing by the voter. A voter requesting termination of vote by mail status thereby consents to placement of his or her residence address, telephone number, and ~~e-mail~~ email address in the roster of voters.

(2) ~~In addition to the required residence address, provide a valid mailing address to be used in place of the residence address for election, scholarly, or political research, and government purposes. The elections official, in producing any list, roster, or index may, at his or her choice, use the valid mailing address or the word "confidential" or some similar designation in place of the residence address shall exclude voters with a confidential voter status.~~

(3) *Within 60 days of moving to a new county, obtain an order from the superior court of the new county pursuant to subdivision (a). The elections official of the new county, upon notice of the confidential voter moving into the county, shall do all of the following:*

(A) *Contact the confidential voter and provide information regarding the application for confidential voter status in the new county.*

(B) *Honor the confidential voter status from the former county for 60 days from the date of notice.*

(C) *Pursuant to paragraph (2) of subdivision (b), exclude the confidential voter in any list, roster, or index during the 60-day period.*

(D) *Remove the confidential voter status if the new voter has not provided a court order to the new county during the 60-day period.*

**SEC. 36.**  
**Amends Elections Code 2166.5**

(a) Any person filing with the county elections official a new affidavit of registration or reregistration may have the information relating to his or her residence address, telephone number, and ~~e-mail~~ email address appearing on the affidavit, or any list or roster or index prepared therefrom, declared confidential upon presentation of certification that the person is a participant in the Address Confidentiality for Victims of Domestic Violence, Sexual Assault, and Stalking program pursuant to Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code or a participant in the Address Confidentiality for Reproductive Health Care Service Providers, Employees, Volunteers, and Patients program pursuant to Chapter 3.2 (commencing with Section 6215) of that division.

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(b) Any person granted ~~confidentiality~~ confidential voter status under subdivision (a) shall:

(1) ~~Be Provide a valid mailing address and be~~ considered a vote by mail voter for all subsequent elections ~~or and all subsequent reregistrations inside or outside the county~~ until the county elections official is notified otherwise by the Secretary of State or in writing by the voter. A voter requesting termination of vote by mail status thereby consents to placement of his or her residence address, telephone number, and e-mail email address in the roster of voters.

(2) ~~In addition to the required residence address, provide a valid mailing address to be used in place of the residence address for election, scholarly, or political research, and government purposes. The elections official, in producing any list, roster, or index may, at his or her choice, use the valid mailing address or the word "confidential" or some similar designation in place of the residence address shall exclude voters with a confidential voter status.~~

**SEC. 37.**  
**Amends Elections Code 2166.7**

(a) If authorized by his or her county board of supervisors, a county elections official shall, upon application of a public safety officer, make confidential that officer's residence address, telephone number, and e-mail email address appearing on the affidavit of registration, in accordance with the terms and conditions of this section.

(d) Any person granted ~~confidentiality~~ confidential voter status under subdivision (a) shall:

(1) ~~Be Provide a valid mailing address and be~~ considered a vote by mail voter for all subsequent elections or until the county elections official is notified otherwise by the Secretary of State or in writing by the voter. A voter requesting termination of vote by mail status thereby consents to placement of his or her residence address, telephone number, and e-mail email address in the roster of voters.

(2) ~~In addition to the required residence address, provide a valid mailing address to be used in place of the residence address for election, scholarly, or political research, and government purposes. The elections official, in producing any list, roster, or index may, at his or her choice, use the valid mailing address or the word "confidential" or some similar designation in place of the residence address index, shall exclude voters with a confidential voter status.~~

(3) *Within 60 days of moving to a new county, if available in the new county, apply for confidential voter status pursuant to subdivision (a). The*

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elections official of the new county, upon notice of the confidential voter moving into the county, shall do all of the following:

(A) Contact the confidential voter and provide information regarding the application for confidential voter status in the new county.

(B) Honor the confidential voter status from the former county for 60-days from the date of notice.

(C) Pursuant to paragraph (2) of subdivision (b), exclude the confidential voter in any list, roster, or index during the 60-day period.

(D) Remove the confidential voter status if the new voter has not obtained or cannot obtain confidential voter status pursuant to this section in the new county during the 60-day period.

(e) No action in negligence may be maintained against any government entity or officer or employee thereof as a result of the disclosure of the information that is the subject of this section unless by a showing of gross negligence or willfulness.

(f) "A public safety officer" has the same meaning as defined in subdivision (a), (d), (e), (f), or (j) of Section 6254.24 of the Government Code.

**SEC. 38.**

**Amends Elections Code 2168**

~~(a)~~ The Secretary of State shall establish and maintain a statewide system to facilitate ~~removal of duplicate or prior registrations, to facilitate~~ the reporting of election results and voter and candidate information, and to otherwise administer and enhance election administration.

~~(b) The statewide system established pursuant to this section shall not replace county voter registration systems or processes.~~

**Repeals Elections Code 2180**

**Repeals Elections Code 2181**

**Repeals Elections Code 2182**

**SEC. 42.**

**Amends Elections Code 2183**

~~(a)~~ The elections official shall supply ~~copies~~ an electronic copy, or paper copy upon request, of the index and of supplements to the index, necessary to bring it up to date, for all elections to be held within the county. The county elections official shall also supply ~~as many~~ copies of the index and supplements, ~~not to exceed four in number,~~ as may be requested by the elections official of a city, school district or other body. The name of each voter whose affidavit of registration has been canceled ~~shall be lined out of~~ shall be removed from the index and supplement. The county elections

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official may charge an amount ~~as will~~ sufficient to reimburse the county for the expense incurred in preparing and furnishing ~~lined out~~ the indexes of registrations and supplements ~~other than for those provided for by Sections 2180 and 2182.~~

~~In the case of a municipal election, an index provided pursuant to this section shall be supplied to the city elections official not less than 25 days prior to the day of the election for which it is provided. If the index does not contain the names of all people eligible to vote in the election, the county elections official shall supply a supplement to the index, including all voters who registered after the 54th day before the election, not less than seven days prior to the election for which it is provided.~~

*(b) (1) The index shall contain the name, address, residence telephone number if furnished, and political party preference of each voter, and also a ruled space to the left of each name, within which to write, in figures, the line number designating the position of the name of the voter on the roster of voters.*

*(2) The name shall include the given name and the middle name or initials, if any. At the affiant's option, the given name may be preceded by the designation "Miss," "Ms.," "Mrs.," or "Mr."*

### **SEC. 43.**

#### **Amends Elections Code 2184**

Upon ~~demand~~ request of any Member of the Legislature, of Congress, or any candidate who is to be voted for in the county, in a city therein, or in a political subdivision of either, or upon written demand of his or her campaign committee, of any committee for or against any proposed ballot measure, or of any committee for or against any referendum or initiative measure for which legal publication has been made, the county elections official shall furnish to the Member of the Legislature, of Congress, or to either the candidate or his or her campaign committee or to the ballot measure committee ~~no more than two copies of the printed indexes~~ the index of the registration for the primary and general elections in which the Member of the Legislature or Congress may participate as a candidate, or for the election in which the candidate will participate, or the ballot measure will be voted upon, at a charge of fifty cents (\$0.50) per thousand names. All moneys collected shall be deposited in the county treasury to the credit of the general fund.

### **SEC. 44.**

#### **Amends Elections Code 2185**

Upon written ~~demand~~ request of the chair or vice chair of a party state central committee or of the chair of a party county central committee,

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the county elections official shall furnish to each committee, without charge therefor, the index of registration for the primary and general elections, for any special election at which a partisan office is to be filled, or for any statewide special election. ~~The index of registration shall be furnished to the committee demanding the index not less than 25 days prior to the day of the primary, general, or special election for which they are provided. Upon written demand, the county elections official shall also furnish to the committee the index of registration of voters who registered after the 54th day before the election, which shall be compiled and prepared by Assembly districts. The county elections official shall furnish either two printed copies or, if available, one copy *per election* in an electronic form, or in paper form upon request, of the indexes specified in this section.~~

**SEC. 45.**  
**Amends Elections Code 2187**

~~(a) Each county elections official shall send to the Secretary of State, in a format described by the Secretary of State, a summary statement of the number of voters in the county. The statement shall show the total number of voters in the county, the number registered as affiliated with each qualified political party, the number registered in nonqualified parties, and the number who declined to state any party affiliation. The statement shall also show the number of voters, by political affiliations, in each city, supervisorial district, Assembly district, Senate district, and congressional district located in whole or in part within the county. provide notice to the Secretary of State that the following information is available:~~

- ~~(1) The total number of voters in the county.~~
- ~~(2) The number registered as preferring each qualified political party.~~
- ~~(3) The number registered as preferring nonqualified parties.~~
- ~~(4) The number registered without choosing a political party preference.~~

~~(5) The number of voters by political party preferences in each of the following political subdivisions, located in whole or in part within the county:~~

- ~~(A) A supervisorial district.~~
- ~~(B) Congressional district.~~
- ~~(C) Senate district.~~
- ~~(D) Assembly district.~~
- ~~(E) Board of Equalization district.~~
- ~~(F) Cities and unincorporated areas.~~

~~(b) The Secretary of State, on the basis of the statements sent by the county elections officials and within 30 days after receiving those statements the information specified in subdivision (a), shall compile a statewide list showing the number of voters, by party affiliations preferences, in the state and in each county, city, supervisorial district, Assembly district,~~

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Senate district, and congressional district in the state. A copy of this list shall be made available, upon request, to any elector in this state.

(e)

~~(c) The summary statements and the electronic data file copy or the index shall be sent~~ county elections officials shall prepare the information referenced in subdivision (a) and provide notice to the Secretary of State at the following times:

(e)

(d) The Secretary of State may adopt regulations prescribing additional regular reporting times, except that the total number of reporting times in any one calendar year shall not exceed 12.

(g)

(h)

#### **SEC. 46.**

##### **Amends Elections Code 2188**

(a) Any application for voter registration information available pursuant to law and maintained by the Secretary of State or by the elections official of any county shall be made pursuant to this section.

(b) The application shall set forth all of the following:

(i) *A county may not provide information for any political subdivision that is not wholly or partially contained within that county.*

#### **SEC. 47.**

##### **Amends Elections Code 2188.1**

The Secretary of State ~~shall study the feasibility of inserting~~ may insert fictitious names of voters into the voter registration information database as ~~a possible~~ an investigative and enforcement tool for determining inappropriate or unauthorized uses of voter registration information.

#### **SEC. 48.**

##### **Amends Elections Code 2188.5**

(a) A person who requests voter information pursuant to Section 2188 or who obtains signatures or other information collected for an initiative, referendum, political party qualification, or recall petition shall not send that information outside of the United States or make it available in any way electronically to persons outside the United States, including, but not limited to, access over the Internet. ~~(b)~~

(b) For purposes of this section, "United States" includes each of the several states of the United States, the District of Columbia, and the territories and possessions of the United States.

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## Repeals Elections Code 2190

### SEC. 50.

#### **Amends Elections Code 2191**

~~The~~ *Upon request, the* elections official shall compile an index, list, or file, by precinct, of all persons who voted in ~~the previous statewide general election~~ *previous elections*. This information shall be compiled in conjunction with the purge of voter registration files conducted pursuant to Article 2 (commencing with Section 2220) of Chapter 3.

Information compiled pursuant to this section shall include that information which is required to appear in the index as set forth in Section ~~2180~~ *2183*.

Any person, candidate, or committee who is entitled to obtain a copy of any information contained in this article shall, upon written request to the elections official, be entitled to obtain the index, list, or file compiled pursuant to this section. The elections official shall inform any recipient of this information as to whether the index, list, or file includes a voting history of vote by mail voters. The elections official may require the payment of a fee not to exceed the cost of duplicating the information ~~or providing the tape~~ as a condition to furnishing the information contained in this section.

~~If the elections official uses data processing equipment, he or she shall make the index available on a data processing tape file on request. The elections official shall be required to retain this file until the next November general election in an even-numbered year has been conducted.~~

## Repeals Elections Code 2192

### SEC. 52.

#### **Amends Elections Code 2193**

The Secretary of State shall, ~~upon the request of a county elections official, compile~~, from the information furnished by the county elections officials pursuant to Section 2187, ~~a file of potential~~ *identify possible* duplicate voter registrations. ~~The county elections official may immediately cancel those~~ *Those* voter registrations which, upon investigation, are determined to be duplicates. ~~The~~ *shall be merged and the* voter registration bearing the ~~later~~ *most recent* date shall ~~remain in effect~~ *be the active record for that voter*.

### SEC. 53.

#### **Amends Elections Code 2194**

(a) Except as provided in Section 2194.1, the affidavit of voter registration information identified in Section 6254.4 of the Government Code:

(3) Shall be provided with respect to any voter, subject to the provisions of Sections 2166, 2166.5, 2166.7, and 2188, to any candidate for

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

(b) (1) Notwithstanding any other 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 the affidavit of voter registration of a registered voter, or added to voter registration records to comply with the requirements of the federal Help America Vote Act of 2002—(42 52 U.S.C. Sec.—~~45304~~ 20901 et seq.), are confidential and shall not be disclosed to any person.

(2) Notwithstanding any other law, the signature of the voter shown on the affidavit of voter registration or an image thereof is confidential and shall not be disclosed to any person, except as provided in subdivision (c).

(2) An elections official shall permit a person to view the signature of a voter for the purpose of determining whether the signature matches a signature on an affidavit of registration or an image thereof or a petition, but shall not permit a signature to be copied.

#### **SEC. 54.**

##### **Amends Elections Code 2196**

(b) The Department of Motor Vehicles shall utilize the electronic voter registration system required by this section to comply with its duties and responsibilities as a voter registration agency pursuant to the federal National Voter Registration Act of 1993—(42 52 U.S.C. Sec.—~~4973gg~~ 20501 et seq.).

(c) The Department of Motor Vehicles and the Secretary of State shall ~~develop~~ maintain a process and the infrastructure to allow the electronic copy of the applicant's signature and other information required under this section that is in the possession of the department to be transferred to the Secretary of State and to the county election management systems to allow a person who is qualified to register to vote in California to register to vote under this section.

- (e)
- (A)
- (B)
- (C)
- (f)

#### **SEC. 55.**

##### **Amends Elections Code 2200**

The registration of a voter is permanent for all purposes during his or her life, unless and until the affidavit of registration is canceled by the

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Secretary of State or the county elections official for any of the causes specified in this article.

**SEC. 56.**

**Amends Elections Code 2201**

(7) Upon official notification that the voter is registered to vote in another ~~county or~~ state.

(b) *The Secretary of State may cancel the registration in the following cases:*

(1) *When the mental incompetency of the person registered is legally established as provided in Sections 2208, 2209, 2210, and 2211.*

(2) *Upon proof that the person is presently imprisoned or on parole for the conviction of a felony.*

(3) *Upon the death of the person registered.*

**SEC. 57.**

**Amends Elections Code 2202**

(a) The county elections official shall preserve all uncanceled affidavits of registration in a secure manner that will protect the confidentiality of the voter information consistent with Section 2194.

The affidavits of registration shall constitute the register required to be kept by Article 5 (commencing with Section ~~2180~~ 2183) of Chapter 2.

(b) In lieu of maintaining uncanceled affidavits of registration, the county elections official may, ~~following the first general election after the date of registration,~~ microfilm, record on optical disc, or record on any other electronic medium that does not permit additions, deletions, or changes to the original document, the uncanceled affidavits of registration. Any such use of an electronic medium to record uncanceled affidavits shall protect the security and confidentiality of the voter information. The county elections official may dispose of any uncanceled affidavits of registration transferred pursuant to this section. The disposal of any uncanceled affidavits shall be performed in a manner that does not compromise the security or confidentiality of the voter information contained therein. ~~Any medium utilized by the county elections official shall meet the minimum standards, guidelines, or both, as recommended by the American National Standards Institute or the Association of Information and Image Management.~~ For purposes of this section, a duplicate copy of an affidavit of registration shall be deemed an original. *The Secretary of State may adopt appropriate regulations for the purpose of this section.*

**Repeals Elections Code 2203**

**Repeals Elections Code 2204**

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**SEC. 60.**

**Amends Elections Code 2206**

The Secretary of State shall adopt regulations to facilitate the availability of death statistics from the State Department of Health Services. The data shall be used by the Secretary of State or county elections officials in canceling the affidavit of registration of deceased persons.

**SEC. 61.**

**Amends Elections Code 2208**

(c) If an order establishing a conservatorship is made and in connection with the order it is found that the person is not capable of completing an affidavit of voter registration, the court shall forward the order and determination to ~~the county elections official of the person's county of residence~~ Secretary of State and the county elections official of the person's county of residence in the format prescribed by the Secretary of State.

**SEC. 62.**

**Amends Elections Code 2209**

(2) If the investigator finds that the person is capable of completing the affidavit in accordance with Section 2150 and subdivision (d) of Section 2208, the court shall hold a hearing to determine whether the person is in fact capable of completing the affidavit. If the person is found to be capable of completing the affidavit, the person's right to register to vote shall be restored, and the court shall so notify ~~the county elections official~~ Secretary of State and the county elections official in the format prescribed by the Secretary of State.

(c) If the person had not been found to be incapable of completing an affidavit of voter registration, and the court investigator determines that the person is no longer capable of completing the affidavit in accordance with Section 2150 and subdivision (d) of Section 2208, the investigator shall so notify the court. The court shall hold a hearing to determine whether the person is capable of completing an affidavit of voter registration in accordance with Section 2150 and subdivision (d) of Section 2208. If the court determines that the person is not so able, the court shall order the person to be disqualified from voting pursuant to Section 2208, and the court shall so notify ~~the county elections official~~ Secretary of State and the county elections official in the format prescribed by the Secretary of State.

**SEC. 63.**

**Amends Elections Code 2210**

(b) When the conservatorship described in subdivision (a) terminates after one year, the person's right to register to vote shall also be

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automatically restored and notification *shall be made* to the ~~appropriate county elections official~~ shall be made *Secretary of State and the county elections official in the format prescribed by the Secretary of State.* If a petition is filed for the reappointment of the conservator, a new determination shall be made as to whether the person should be disqualified from voting.

(c) If the right to vote is restored pursuant to Section 5358.3 of the Welfare and Institutions Code or if the conservatorship is terminated in a proceeding held pursuant to Section 5364 of the Welfare and Institutions Code, the court shall notify the ~~county elections official of the person's county of residence~~ *Secretary of State and the county elections official of the person's county of residence in the format prescribed by the Secretary of State* that the person's right to register to vote is restored.

**SEC. 64.**  
**Amends Elections Code 2211**

(b) Upon the order of commitment to a treatment facility referred to in subdivision (a), the court shall notify the ~~elections official of the county of residence of the person~~ *Secretary of State and the county elections official of the person's county of residence in the format prescribed by the Secretary of State* and order the person to be disqualified from voting or registering to vote.

(c) If the person is later released from the public or private treatment facility, the court shall notify the ~~county elections official of the county of residence of the person~~ *Secretary of State and the county elections official of the person's county of residence in the format prescribed by the Secretary of State* that the right of the person to register to vote is restored.

**SEC. 65.**  
**Amends Elections Code 2212**

The clerk of the superior court of each county, on the basis of the records of the court, shall furnish to the ~~chief elections official of the county~~ *Secretary of State and the county elections official in the format prescribed by the Secretary of State,* not less frequently than the first day of ~~April and the first day of September of each year~~ *every month,* a statement showing the names, addresses, and dates of birth of all persons who have been convicted of felonies since the clerk's last report. The ~~elections official~~ *Secretary of State or county elections official* shall, ~~during the first week of April and the first week of September in each year,~~ cancel the affidavits of registration of those persons who are currently imprisoned or on parole for the conviction of a felony. The clerk shall certify the statement under the seal of the court.

**SEC. 66.**  
**Amends Elections Code 2221**

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(a) Based on the postal notices on the returned residency confirmation postcards received pursuant to Section 2220, the county elections official shall take the following actions:

(1) The affidavits of registration of persons whose residency confirmation postcards are returned by the post office as undeliverable and who have no forwarding address shall be placed in the inactive file pursuant to paragraph (2) of subdivision (a) of Section 2226. These persons shall be mailed the confirmation notices described in subdivision ~~(d)~~ (c) of Section 2225.

(2) The affidavits of registration of persons for whom forwarding addresses within the county or outside the county are received shall be ~~corrected~~ immediately updated to reflect the new address provided by the post office and the former address shall be maintained with the voter record. These persons shall be mailed the confirmation notices described in subdivision (b) of Section 2225.

~~(3) The affidavits of registration of persons for whom forwarding addresses outside of the county are received shall be placed in the inactive file pursuant to paragraph (2) of subdivision (a) of Section 2226. These persons shall be mailed the confirmation notices described in subdivision (c) of Section 2225.~~

~~(b) Blank affidavits of registration shall immediately be mailed to the addresses from which voter registrations were canceled or changed pursuant to this section.~~

~~(b) All address corrections and cancellations of updates to affidavits of registration made pursuant to this section shall be reflected on the voter index as required by Section 2191.~~

**SEC. 67.**  
**Amends Elections Code 2224**

(a) If a voter has not voted in an election within the preceding four years, and his or her residence address, name, or party ~~affiliation~~ preference has not been updated during that time, the county elections official may send an alternate residency confirmation postcard. The use of this postcard may be sent subsequent to NCOA or sample ballot returns, but shall not be used in the residency confirmation process conducted under Section 2220. The postcard shall be forwardable, including a postage-paid and preaddressed return form to enable the voter to verify or correct the address information, and shall be in substantially the following form:

“If the person named on the postcard is not at this address, PLEASE help keep the voter rolls current and save taxpayer dollars by returning this postcard to your mail carrier.”

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“IMPORTANT NOTICE”

“According to our records you have not voted in any election during the past four years, which may indicate that you no longer reside in \_\_\_\_ County. If you continue to reside in ~~this county~~ California you must confirm your residency address in order to remain on the active voter list and receive election materials in the mail.”

“If confirmation has not been received within 15 days, you may be required to provide proof of your residence address in order to vote at future elections. If you no longer live in \_\_\_\_ County, you must reregister at your new residence address in order to vote in the next election. California residents may obtain a mail registration form by calling the county elections office or the Secretary of State’s office.” elections.”

**SEC. 68.**  
**Amends Elections Code 2225**

(b) If postal service change-of-address data indicates that the voter has moved to a new residence address in ~~the same county~~ California, the forwardable notice shall be in substantially the following form:

“We have received notification that ~~the voter has~~ you have moved to a new residence address in \_\_\_\_ County California. You will be registered to vote at your new address unless you notify our office within 15 days that the address to which this card was mailed is not a change of your permanent residence. You must notify our office by either returning the attached postage-paid postcard, or by calling toll free. If this is not a permanent residence, and if you do not notify us within 15 days, you may be required to provide proof of your residence address in order to vote at future elections.”

~~(e)~~

(c) If postal service change-of-address data received from a nonforwardable mailing indicates that a voter has moved and left no forwarding address, a forwardable notice shall be sent in substantially the following form:

“We are attempting to verify postal notification that the voter to whom this card is addressed has moved and left no forwarding address. If the person receiving this card is the addressed voter, please confirm your continued residence or provide current residence information on the attached postage-paid postcard within 15 days. If you do not return this card and continue to reside in \_\_\_\_ County California, you may be required to provide proof of your residence address in order to vote at future elections and, if you do not offer to vote at any election in the period between the date of this notice and

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the second federal general election following this notice, your voter registration will be cancelled and you will have to reregister in order to ~~vote.~~ If you no longer live in \_\_\_\_\_ County, you must reregister at your new residence address in order to vote in the next election. California residents may obtain a mail registration form by calling the county elections office or the Secretary of State's office." vote."

**SEC. 69.**

**Amends Elections Code 2226**

(a) Based on change-of-address information received pursuant to Sections 2220 to 2225, inclusive, or change-of-address information provided directly by the voter, the county elections official shall take the following actions as appropriate:

(1) If the information indicates the voter has moved to a new residence address ~~within the same county~~ in California, the county elections official shall immediately update ~~and correct~~ the voter's registration.

(2) ~~If the information indicates the voter has moved to a new address in another county,~~ if the mailings have been returned as undeliverable, or if the voter fails to confirm his or her address as required by Section 2224, the county elections official may place the voter's name on the inactive file of registered voters who do not receive election materials and are not included in calculations to determine the number of signatures required for qualification of candidates and measures, precinct size, or other election administration-related processes.

~~(3)~~

(d) All address ~~corrections~~ updates, cancellations, and inactive transactions made to the voter registration file pursuant to this section shall be reflected on the voter index as required by Section 2191.

**SEC. 70.**

**Amends Elections Code 2227**

(f) The county elections official shall take all of the following actions as appropriate:

(1) If a voter responds to the forwardable notice sent pursuant to subdivision (e) or otherwise verifies in a signed writing that he or she has moved to a new residence address ~~within the same county~~ in California, the county elections official shall verify the signature on the response by comparing it to the signature on file for the voter and, if appropriate, ~~correct~~ immediately update the voter's registration with the new residence address.

~~(2) If a voter responds to the forwardable notice sent pursuant to subdivision (e) or otherwise verifies in a signed writing that he or she has moved to a new residence address in another county, the county elections~~

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~~official shall verify the signature on the response by comparing it to the signature on file for the voter and, if appropriate, cancel the voter's registration in the county from which the voter has moved.~~

**SEC. 71.**  
**Amends Elections Code 3009**

In determining from the records of registration if the signature and residence address on the application appear to be the same as that on the original affidavit of registration, the elections official or registrar of voters may use ~~the duplicate file of affidavits of registered voters or the facsimiles of voter's signatures~~ *facsimiles of voters' signatures*, provided that the method of preparing and displaying the facsimiles complies with law.

**SEC. 72.**  
**Amends Elections Code 3010**

The elections official shall deliver to each qualified applicant:

(a) The ballot for the precinct in which he or she resides. In primary elections this shall also be accompanied by the ballot for the central committee of the party ~~with~~ *for* which the voter ~~is affiliated~~ *has disclosed a preference*, if any.

(b) All supplies necessary for the use and return of the ballot.

No officer of this state may make any charge for services rendered to any voter under this chapter.

**SEC. 73.**  
**Amends Elections Code 3011**

(a) The identification envelope shall contain all of the following:

(b) Except at a primary election for partisan office, and notwithstanding any other provision of law, the vote by mail voter's party affiliation ~~preference~~ *preference* may not be stamped or printed on the identification envelope.

**SEC. 74.5.**  
**Amends 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~~ *if* 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~~ *signature and* 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~~

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~~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,~~ facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with the law.

(e) In comparing signatures pursuant to this section, an elections official ~~is authorized to~~ *may* use signature verification technology. If signature verification technology determines the signatures do not compare, the elections official shall not reject the ballot unless he or she visually examines the signatures and verifies that the signatures do not compare.

(f) (1) (A) *Notwithstanding any other law, if an elections official determines that a voter has failed to sign the identification envelope, the elections official shall not reject the vote by mail ballot if the voter does any of the following:*

(i) *Signs the identification envelope at the office of the elections official during regular business hours before 5 p.m. on the eighth day after the election.*

(ii) *Before 5 p.m. on the eighth day after the election, completes and submits an unsigned ballot statement in substantially the following form:*

**"UNSIGNED BALLOT STATEMENT**

*I, am a registered voter of \_\_\_\_\_ County, State of California. I do solemnly swear (or affirm) that I requested and returned a vote by mail ballot and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony punishable by imprisonment for 16 months or two or three years. I understand that my failure to sign this statement means that my vote by mail ballot will be invalidated.*

*Voter's Signature  
Address"*

(iii) *Before the close of the polls on election day, completes and submits an unsigned ballot statement, in the form described in clause (ii), to a polling place within the county or a ballot dropoff box.*

(B) *If timely submitted, the elections official shall accept any completed unsigned ballot statement. Upon receipt of the unsigned ballot*

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*statement, the elections official shall compare the voter's signature on the statement in the manner provided by this section.*

*(i) If the elections official determines that the signatures compare, he or she shall attach the unsigned ballot statement to the identification envelope and deposit the ballot, still in the identification envelope, in a ballot container in his or her office.*

*(ii) If the elections official determines that the signatures do not compare, the identification envelope shall not be opened and the ballot shall not be counted.*

*(C) An elections official may use methods other than those described in subparagraph (A) to obtain a voter's signature on an unsigned identification envelope.*

*(2) Instructions shall accompany the unsigned ballot statement in substantially the following form:*

**“READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE STATEMENT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.**

*1. In order to ensure that your vote by mail ballot will be counted, your statement should be completed and returned as soon as possible so that it can reach the elections official of the county in which your precinct is located no later than 5 p.m. on the eighth day after the election.*

*2. You must sign your name on the line above (Voter's Signature).*

*3. Place the statement into a mailing envelope addressed to your local elections official. Mail, deliver, or have delivered the completed statement to the elections official. Be sure there is sufficient postage if mailed and that the address of the elections official is correct.*

*4. Alternatively, you may submit your completed statement by facsimile transmission to your local elections official, or submit your completed statement to a polling place within the county or a ballot dropoff box before the close of the polls on election day.*

*(3) An elections official shall include the unsigned ballot statement and instructions described in this subdivision on his or her Internet Web site, and shall provide the elections official's mailing address and facsimile transmission number on the Internet Web page containing the statement and instructions.*

*(g) 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.*

**SEC. 75.**  
**Amends Elections Code 8401**

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(c) In determining from the records of registration, what number of valid signatures are signed on the nomination paper, the elections official may use ~~the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures~~ check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles is permitted by law.

**SEC. 76.**

**Amends Elections Code 9030**

(d) Within 30 days after this notification, excluding Saturdays, Sundays, and holidays, the elections official shall determine the number of qualified voters who have signed the petition. If more than 500 names have been signed on sections of the petition filed with an elections official, the elections official shall use a random sampling technique for verification of signatures, as determined by the Secretary of State. The random sample of signatures to be verified shall be drawn in such a manner that every signature filed with the elections official shall be given an equal opportunity to be included in the sample. The random sampling shall include an examination of at least 500 or 3 percent of the signatures, whichever is greater. In determining from the records of registration what number of qualified voters have signed the petition, the elections official may use ~~the duplicate file of affidavits of registered voters or the facsimiles of voters' signatures,~~ facsimiles of voters' signatures provided that the method of preparing and displaying the facsimiles complies with law.

**SEC. 77.**

**Amends Elections Code 9114**

In determining the number of valid signatures, the elections official may use ~~the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures,~~ check the signatures against facsimiles of voters' signatures provided that the method of preparing and displaying the facsimiles complies with law.

**SEC. 78.**

**Amends Elections Code 9115**

(c) In determining from the records of registration, what number of valid signatures are signed on the petition, the elections official may use ~~the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures,~~ check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

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**SEC. 79.**

**Amends Elections Code 9308**

(b) In determining the number of valid signatures, the district elections official may use ~~the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures,~~ check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

**SEC. 80.**

**Amends Elections Code 9309**

(c) In determining from the records of registration, what number of valid signatures are signed on the petition, the district elections official may use ~~the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures,~~ check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

**SEC. 81**

**Amends Elections Code 11224**

(b) In determining the number of valid signatures, the elections official may use ~~the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures~~ check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

**SEC. 82.**

**Amends Elections Code 11225**

(e) In determining from the records of registration the number of valid signatures signed on the petition, the elections official may use ~~the duplicate file of affidavits maintained, or may check the signatures against facsimiles of voters' signatures~~ check the signatures against facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with law.

**SEC. 83.**

**Amends Elections Code 14202**

~~(a)~~ Before opening the polls, the precinct board shall post in separate, convenient places at or near the polling place, and of easy access to the voters, not less than two of the copies of the index to the affidavits of registration for that precinct. The copies of the index may be by street address in numerical order.

~~(b)~~

**SEC. 84.**

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**Amends Elections Code 18104**

Any ~~deputy registrar of voters~~ individual or organization having charge of affidavits of registration is guilty of a misdemeanor who knowingly neglects or refuses to return affidavits of registration as provided in Article 3 (commencing with Section 2135) of Chapter 2 of Division 2. The county elections official shall report to the district attorney of the county, under oath, the names of any ~~deputies~~ individuals or organizations who have failed to return the affidavits. The district attorney shall take appropriate civil or criminal action.

**SEC. 85.**  
**Amends Elections Code 18109**

(a) It is a misdemeanor for a person in possession of information identified in Section 2138.5, or obtained pursuant to Article 5 (commencing with Section ~~2180~~ 2183) of Chapter 2 of Division 2 of this code or Section 6254.4 of the Government Code, knowingly to use or permit the use of all or any part of that information for any purpose other than as permitted by law.

**SEC. 86.**  
*(a) Section 27.5 of this bill incorporates amendments to Section 2150 of the Elections Code, as amended by Section 8 of Chapter 1 of the Statutes of 2009, proposed by both this bill and Senate Bill 589. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2016, (2) each bill amends Section 2150 of the Elections Code, and (3) this bill is enacted after Senate Bill 589, in which case Section 27 of this bill shall not become operative.*

*(b) Section 28.5 of this bill incorporates amendments to Section 2150 of the Elections Code, as amended by Section 3 of Chapter 619 of the Statutes of 2014, proposed by both this bill and Senate Bill 589. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2016, (2) each bill amends Section 2150 of the Elections Code, and (3) this bill is enacted after Senate Bill 589, in which case Section 28 of this bill shall not become operative.*

*(c) Section 61.5 of this bill incorporates amendments to Section 2208 of the Elections Code proposed by both this bill and Senate Bill 589. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2016, (2) each bill amends Section 2208 of the Elections Code, and (3) this bill is enacted after Senate Bill 589, in which case Section 61 of this bill shall not become operative.*

*(d) Section 62.5 of this bill incorporates amendments to Section 2209 of the Elections Code proposed by both this bill and Senate Bill 589. It shall only become operative if (1) both bills are enacted and become effective*

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on or before January 1, 2016, (2) each bill amends Section 2209 of the Elections Code, and (3) this bill is enacted after Senate Bill 589, in which case Section 62 of this bill shall not become operative.

(e) Section 74.5 of this bill incorporates amendments to Section 3019 of the Elections Code proposed by both this bill and Assembly Bill 477. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2016, (2) each bill amends Section 3019 of the Elections Code, and (3) this bill is enacted after Assembly Bill 477, in which case Section 74 of this bill shall not become operative.

**SEC. 87.**

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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

**SEC. 88.**

(a) This act shall become operative only if 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 (52 U.S.C. Sec. 20901 et seq.).

(b) Notwithstanding subdivision (a), any of Sections 27.5, 28.5, 61.5, 62.5, and 74.5 that becomes operative pursuant to Section 86 shall become operative on January 1, 2016.

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**BALLOT INITIATIVES: FILING FEES**

**Assembly Bill 1100**  
**Chapter 229**

**CURRENT PROVISIONS:**

Existing law requires a fee of \$200 to be paid by the proponents when a proposed ballot initiative or referendum is submitted to the Attorney General for preparation of a circulating title and summary.

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**NEW PROVISIONS:**

Increases the filing fee from \$200 to \$2,000 to be paid by the proponents when a proposed ballot initiative or referendum is submitted to the Attorney General for preparation of a circulating title and summary. Makes nonsubstantive changes to this provision.

**SECTIONS AFFECTED:**

**SECTION 1.**

**Amends Elections Code 9001**

(a) ~~Prior to~~ Before the circulation of ~~any~~ an initiative or referendum petition for signatures, the text of the proposed measure shall be submitted to the Attorney General with a written request that a circulating title and summary of the chief purpose and points of the proposed measure be prepared. The electors presenting the request shall be known as the "proponents." The Attorney General shall preserve the written request until after the next general election.

(b) Each and every proponent of ~~any~~ a proposed initiative measure shall, at the time of submitting the text of the proposed measure, provide both of the following:

(c) The proponents of ~~any~~ a proposed initiative measure, at the time of submitting the text of the proposed measure to the Attorney General, shall pay a fee of ~~two hundred dollars (\$200), which~~ to the Attorney General of two thousand dollars (\$2,000) that shall be placed in a trust fund in the office of the Treasurer and refunded to the proponents if the measure qualifies for the ballot within two years from the date the summary is furnished to the proponents. If the measure does not qualify within that period, the fee shall be immediately paid into the General Fund of the state.

(d) All referenda and proposed initiative measures must be submitted to the Attorney General's Initiative Coordinator located in the Sacramento Attorney General's Office via U.S. Postal Service, alternative mail service, or personal delivery. Only printed documents will be ~~accepted,~~ accepted; facsimile or ~~e-mail~~ email delivery will not be accepted.

(e) The Attorney General's office shall not deem a request for a circulating title and summary submitted until all of the requirements of this section are met.

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**VOTERS: LANGUAGE ACCESSIBILITY**

**[Assembly Bill 1443](#)**

**Chapter 347**

**CURRENT PROVISIONS:**

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Existing law establishes the Secretary of State as the chief elections officer of the state and requires that he or she ensure that elections are efficiently conducted and that state election laws are enforced.

Existing law declares the intent of the Legislature that non-English-speaking citizens, like all other citizens, should be encouraged to vote and that appropriate efforts should be made to minimize obstacles to voting by citizens who lack sufficient skill in English to vote without assistance.

**NEW PROVISIONS:**

Requires the Secretary of State to establish a Language Accessibility Advisory Committee that consist of at least 15 members and includes the Secretary of State, his or her designees, and additional members appointed by the Secretary of State who have demonstrated language accessibility experience, have knowledge of methods for presenting election materials, or are county elections-officials or their designee.

Requires the Secretary of State to consult with and consider the recommendations of the committee.

**SECTIONS AFFECTED:**

**SECTION 1.**

**CHAPTER 8. Language Accessibility  
Adds Elections Code 2600**

*The Secretary of State shall establish a Language Accessibility Advisory Committee which shall meet no less than four times each calendar year. The committee shall consist of no less than fifteen members and be comprised of the Secretary of State and his or her designee or designees and additional members appointed by the Secretary of State. The appointees shall have demonstrated language accessibility experience, have knowledge of presenting election materials to voters using plain language methods or another method that is easy for voters to access and understand, or be a county elections official or his or her designee. At least three county elections officials shall be appointed to the committee. The Secretary of State shall consult with and consider the recommendations of the committee. The committee shall serve in an advisory capacity to the Secretary of State.*

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**VOTER REGISTRATION: CALIFORNIA NEW MOTOR VOTER PROGRAM**

**[Assembly Bill 1461](#)  
Chapter 729**

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**CURRENT PROVISIONS:**

Existing law, the federal National Voter Registration Act of 1993, requires a state to, among other things, establish procedures to register a person to vote by application made simultaneously with an application for a new or renewal of a motor vehicle driver's license.

Existing law requires the motor vehicle driver's license application to serve as an application for voter registration with respect to an election for federal office, unless the applicant fails to sign the application, and requires the application to be considered as updating the applicant's previous voter registration, if any.

Existing law defines "motor vehicle driver's license" to include any personal identification document issued by a state motor vehicle authority.

Existing state law provides that a person may not be registered to vote except by affidavit of registration.

Existing law requires a properly executed affidavit of registration to be deemed effective upon receipt of the affidavit by the county elections official if the affidavit is submitted to the Department of Motor Vehicles on or before the 15th day before the election.

Existing law requires the Department of Motor Vehicles and the Secretary of State to develop a process and the infrastructure to allow a person who is qualified to register to vote in the state to register to vote online.

Existing law requires the Department of Motor Vehicles to issue driver's licenses and state identification cards to applicants who meet specified criteria and provide the department with the required information.

Existing law generally requires an applicant for an original driver's license or state identification card to submit satisfactory proof to the department that the applicant's presence in the United States is authorized under federal law.

Existing law specifies that the willful, unauthorized disclosure of information from a Department of Motor Vehicles record to any person, or the use of any false representation to obtain information from a department record or any use of information obtained from any department record for a purpose other than the one stated in the request or the sale or other distribution of the information to a person or organization for purposes not disclosed in the request is a misdemeanor, punishable by a fine not exceeding \$5,000 or by

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imprisonment in the county jail not exceeding one year, or both fine and imprisonment.

Existing law, the Information Practices Act of 1977, authorizes every state agency to maintain in its records only personal information that is relevant and necessary to accomplish a purpose of the agency, or is required or authorized by state or federal law. That act specifies the situations in which disclosure is permissible and also specifies the manner in which agencies must account for disclosures of personal information, including those due to security breaches, among other provisions.

Existing law makes it a crime for a person to willfully cause, procure, or allow himself or herself or any other person to be registered as a voter, knowing that he or she or that other person is not entitled to registration. Existing law also makes it a crime to fraudulently vote or attempt to vote.

**NEW PROVISIONS:**

Requires the Secretary of State and the Department of Motor Vehicles to establish the New Motor Voter Program.

Requires the Department of Motor Vehicles to electronically provide to the Secretary of State specified records.

Provides that such records would constitute an affidavit of voter registration, unless a person declines to be registered.

Provides that disclosure of certain records is a misdemeanor, for the safeguarding of certain information, and for certain fraudulent practices.

**SECTIONS AFFECTED:**

**SECTION 1.**

**Amends Elections Code 2100**

~~No person shall~~ *A person shall not* be registered except as provided in this chapter ~~or Chapter 4.5.~~ except upon the production and filing of a certified copy of a judgment of the superior court directing registration to be made.

**SEC. 2.**

**Amends Elections Code 2102**

(a) ~~A~~ *Except as provided in Chapter 4.5, a* person shall not be registered as a voter except by affidavit of registration. The affidavit shall be mailed or delivered to the county elections official and shall set forth all of the facts required to be shown by this chapter. A properly executed registration

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shall be deemed effective upon receipt of the affidavit by the county elections official if received on or before the 15th day prior to an election to be held in the registrant's precinct. A properly executed registration shall also be deemed effective upon receipt of the affidavit by the county elections official if any of the following apply:

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg et seq.~~) (52 U.S.C. 20501 et seq.) on or before the 15th day prior to the election.

### **SEC. 3.**

#### **CHAPTER 4.5. California New Motor Voter Program Adds Elections Code 2260**

*This chapter shall be known and may be cited as the California New Motor Voter Program.*

#### **Adds Elections Code 2261**

*The Legislature finds and declares all of the following:*

(a) *Voter registration is one of the biggest barriers to participation in our democracy.*

(b) *In 1993, Congress enacted the federal National Voter Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.), commonly known as the "Motor Voter Law," with findings recognizing that the right of citizens to vote is a fundamental right; it is the duty of federal, state, and local governments to promote the exercise of the right to vote; and the primary purpose of the act is to increase the number of eligible citizens who register to vote.*

(c) *It is the intent of the Legislature to enact the California New Motor Voter Program to provide California citizens additional opportunities to participate in democracy through exercise of their fundamental right to vote.*

#### **Adds Elections Code 2262**

(a) *The Secretary of State and the Department of Motor Vehicles shall establish the California New Motor Voter Program for the purpose of increasing opportunities for voter registration by any person who is qualified to be a voter under Section 2 of Article II of the California Constitution.*

(b) *This chapter shall not be construed as requiring the Department of Motor Vehicles to determine eligibility for voter registration and voting. The Secretary of State is solely responsible for determining eligibility for voter registration and voting.*

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### Adds Elections Code 2263

(a) *The Department of Motor Vehicles, in consultation with the Secretary of State, shall establish a schedule and method for the department to electronically provide to the Secretary of State the records specified in this section.*

(b) (1) *The department shall provide to the Secretary of State, in a manner and method to be determined by the department in consultation with the Secretary of State, the following information associated with each person who submits an application for a driver's license or identification card pursuant to Section 12800, 12815, or 13000 of the Vehicle Code, or who notifies the department of a change of address pursuant to Section 14600 of the Vehicle Code:*

(A) *Name.*

(B) *Date of birth.*

(C) *Either or both of the following, as contained in the department's records:*

(i) *Residence address.*

(ii) *Mailing address.*

(D) *Digitized signature, as described in Section 12950.5 of the Vehicle Code.*

(E) *Telephone number, if available.*

(F) *Email address, if available.*

(G) *Language preference.*

(H) *Political party preference.*

(I) *Whether the person chooses to become a permanent vote by mail voter.*

(J) *Whether the person affirmatively declined to become registered to vote during a transaction with the department.*

(K) *A notation that the applicant has attested that he or she meets all voter eligibility requirements, including United States citizenship, specified in Section 2101.*

(L) *Other information specified in regulations implementing this chapter.*

(2) (A) *The department may provide the records described in paragraph (1) to the Secretary of State before the Secretary of State certifies that all of the conditions set forth in subdivision (e) of this section have been satisfied. Records provided pursuant to this paragraph shall only be used for the purposes of outreach and education to eligible voters conducted by the Secretary of State.*

(B) *The Secretary shall provide materials created for purposes of outreach and education as described in this paragraph in languages other than English, as required by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).*

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(c) *The Secretary of State shall not sell, transfer or allow any third party access to the information acquired from the Department of Motor Vehicles pursuant to this chapter without approval of the department, except as permitted by this chapter and Section 2194.*

(d) *The department shall not electronically provide records of a person who applies for or is issued a driver's license pursuant to Section 12801.9 of the Vehicle Code because he or she is unable to submit satisfactory proof that his or her presence in the United States is authorized under federal law.*

(e) *The Department of Motor Vehicles shall commence implementation of this section no later than one year after the Secretary of State certifies all of the following:*

(1) *The State has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Section 20901 et seq.).*

(2) *The Legislature has appropriated the funds necessary for the Secretary of State and the Department of Motor Vehicles to implement and maintain the California New Motor Voter Program.*

(3) *The regulations required by Section 2270 have been adopted.*

(f) *The Department of Motor Vehicles shall not electronically provide records pursuant to this section that contain a home address designated as confidential pursuant to Section 1808.2, 1808.4, or 1808.6 of the Vehicle Code.*

#### **Adds Elections Code 2264**

(a) *The willful, unauthorized disclosure of information obtained from the Department of Motor Vehicles pursuant to Section 2263 to any person, or the use of any false representation to obtain any of that information or the use of any of that information for a purpose other than as stated in Section 2263, is a misdemeanor punishable by a fine not exceeding five thousand dollars (\$5,000) or imprisonment in the county jail not exceeding one year, or both fine and imprisonment.*

(b) *The Secretary of State shall establish procedures to protect the confidentiality of the information acquired from the Department of Motor Vehicles pursuant to Section 2263. The disclosure of this information shall be governed by the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code), and the Secretary of State shall account for any disclosures, including those due to security breaches, in accordance with that act.*

#### **Adds Elections Code 2265**

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*(a) The records of a person designated in paragraph (1) of subdivision (b) of Section 2263 shall constitute a completed affidavit of registration and the Secretary of State shall register the person to vote, unless any of the following conditions is satisfied:*

*(1) The person's records, as described in Section 2263, reflect that he or she affirmatively declined to become registered to vote during a transaction with the Department of Motor Vehicles.*

*(2) The person's records, as described in Section 2263, do not reflect that he or she has attested to meeting all voter eligibility requirements specified in Section 2101.*

*(3) The Secretary of State determines that the person is ineligible to vote.*

*(b) (1) If a person who is registered to vote pursuant to this chapter does not provide a party preference, his or her party preference shall be designated as "Unknown" and he or she shall be treated as a "No Party Preference" voter.*

*(2) A person whose party preference is designated as "Unknown" pursuant to this subdivision shall not be counted for purposes of determining the total number of voters registered on the specified day preceding an election, as required by subdivision (b) of Section 5100 and subdivision (c) of Section 5151.*

#### **Adds Elections Code 2266**

*A person registered to vote under this chapter may cancel his or her voter registration at any time by any method available to any other registered voter.*

#### **Adds Elections Code 2267**

*This chapter does not affect the confidentiality of a person's voter registration information, which remains confidential pursuant to Section 2194 of this code and Section 6254.4 of the Government Code and for all of the following persons:*

*(a) A victim of domestic violence, sexual assault, or stalking pursuant to Section 2166.5.*

*(b) A reproductive health care service provider, employee, volunteer, or patient pursuant to Section 2166.5.*

*(c) A public safety officer pursuant to Section 2166.7.*

*(d) A person with a life-threatening circumstance upon court order pursuant to Section 2166.*

#### **Adds Elections Code 2268**

*If a person who is ineligible to vote becomes registered to vote pursuant to this chapter in the absence of a violation by that person of*

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*Section 18100, that person's registration shall be presumed to have been effected with official authorization and not the fault of that person.*

#### **Adds Elections Code 2269**

*If a person who is ineligible to vote becomes registered to vote pursuant to this chapter and votes or attempts to vote in an election held after the effective date of the person's registration, that person shall be presumed to have acted with official authorization and shall not be guilty of fraudulently voting or attempting to vote pursuant to Section 18560, unless that person willfully votes or attempts to vote knowing that he or she is not entitled to vote.*

#### **Adds Elections Code 2270**

*The Secretary of State shall adopt regulations to implement this chapter, including regulations addressing both of the following:*

*(a) A process for canceling the registration of a person who is ineligible to vote, but became registered under the California New Motor Voter Program in the absence of any violation by that person of Section 18100.*

*(b) An education and outreach campaign informing voters about the California New Motor Voter Program that the Secretary of State will conduct to implement this chapter. The Secretary may use any public and private funds available for this and shall provide materials created for this outreach and education campaign in languages other than English, as required by the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).*

#### **SEC. 4.**

*Section 2.5 of this bill incorporates amendments to Section 2102 of the Elections Code, as amended by Section 6.5 of Chapter 909 of the Statutes of 2014, proposed by both this bill and Senate Bill 589. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2016, (2) each bill amends Section 2102 of the Elections Code, as amended by Section 6.5 of Chapter 909 of the Statutes of 2014, and (3) this bill is enacted after Senate Bill 589, in which case Section 2 of this bill shall not become operative.*

#### **SEC. 5.**

*No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of*

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*the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

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**ELECTIONS: ALL-MAILED BALLOT ELECTIONS: PILOT PROJECT**

**Assembly Bill 1504**  
**Chapter 730**

AB 1504

**CURRENT PROVISIONS:**

Existing law, as a pilot program, authorizes elections in San Mateo County and Yolo County, other than statewide primary or general elections, or special elections to fill a vacancy in a state office, the Legislature, or Congress, to be conducted wholly by mail if specified conditions are satisfied, until December 31, 2017.

Existing law requires, if San Mateo County or Yolo County conducts an all-mailed ballot election, the county shall report to the Legislature and the Secretary of State, as specified.

**NEW PROVISIONS:**

Extends, as a pilot program, until January 1, 2018, elections in San Mateo County and Yolo County, other than statewide primary or general elections, or special elections to fill a vacancy in a state office, the Legislature, or Congress, to be conducted wholly by mail if specified conditions are satisfied.

Authorizes Monterey and Sacramento Counties to conduct all-mailed ballot elections as part of this program, subject to a requirement to provide additional polling places.

Makes technical, nonsubstantive changes.

**SECTIONS AFFECTED:**

**SECTION 1.**

**Amends Elections Code 4001**

(a) Notwithstanding Section 4000 or any other law, as a pilot program, elections in ~~San Mateo County and Yolo County~~ County, Yolo County, Sacramento County, and Monterey County may be conducted wholly by mail if all of the following conditions are satisfied:

(1) The governing body of the city, county, or district, by resolution, authorizes the all-mailed ballot election and notifies the Secretary of State of its intent to conduct an all-mailed ballot election at least 88 days ~~prior to~~ before the date of the election.

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(4) (A) At least one ballot ~~dropoff~~ drop-off location is provided per city or the ballot ~~dropoff~~ drop-off locations are fixed in a manner so that the number of residents for each ballot ~~dropoff~~ drop-off location does not exceed 100,000 on the 88th day ~~prior to~~ before the day of election, whichever results in more ~~dropoff~~ drop-off locations. A ballot ~~dropoff~~ drop-off location shall be open during business hours to receive voted ballots beginning 28 days before the date of the election and until 8 p.m. on the day of the election.

(B) (i) For San Mateo County and Yolo County, at least one polling place is provided per city.

(ii) For Monterey County and Sacramento County, at least one polling place is provided for every 50,000 registered voters, with a minimum of one polling place per city, in a manner so that the number of registered voters for each polling place does not exceed 50,000 on the 88th day before the day of election, whichever results in more polling places.

(iii) At least one polling place is provided per city where A polling place provided pursuant to this subparagraph shall allow voters ~~can~~ to request a ballot between 7 a.m. and 8 p.m. on the day of the election if they have not received their ballots in the mail or if they need replacement ballots for any other reason.

(C) Upon the request of the city, county, or district, the elections official, at his or her discretion, may provide additional ballot ~~dropoff~~ drop-off locations and polling places.

(6) The elections official delivers to each voter, with either the sample ballot sent pursuant to Section 13303 or with the voter's ballot, a list of the ballot ~~dropoff~~ drop-off locations and polling places provided pursuant to paragraph (4), and also posts that list on the Internet Web site of the county elections office.

(B) A ballot ~~dropoff~~ drop-off location provided for under this section shall consist of a locked ballot box located in a secure public building that meets the accessibility requirements for a polling place.

(9) Elections in the county conducted pursuant to this section may be held on no more than three different dates.

(b) (1) If the county conducts an all-mailed ballot election pursuant to this section, on or before December 31, ~~2017~~, 2017, the county shall report to the Legislature and to the Secretary of State regarding the success of the election, including, but not limited to, any statistics on the cost to conduct the election; the turnout of different populations, including, but not limited to, to the extent possible, the population categories of race, ethnicity, age, gender, disability, permanent vote by mail status, and political party affiliation; the number of ballots ~~that are~~ not counted and the reasons they were rejected; voter fraud; and any other problems that become known to the county during the election or canvass.

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(3) The report of the county shall be submitted to the Legislature pursuant to Section 9795 of the Government Code within six months after the date of the all-mailed ballot election or ~~prior to~~ *before* the date of any other all-mailed ballot election subject to this section to be conducted in the county, whichever is sooner.

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## ELECTIONS

### [Assembly Bill 1535](#) Chapter 731

AB 1535

#### **CURRENT PROVISIONS:**

Existing law authorizes a voter who has signed an initiative, referendum, or recall petition to remove his or her name from the petition by filing a written request to do so with the appropriate county elections official prior to the day the petition is filed.

Existing law 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.

Existing law prescribes the contents of the oath of voter declaration and requires, among other things, the voter to provide his or her current mailing address.

Existing law permits a district to conduct an election by all-mailed ballots. Existing law also permits political subdivisions to consolidate their elections in certain circumstances.

Existing law permits the governing body of a special district to consolidate its elections of governing body members in November of odd-numbered years with the statewide general election.

#### **NEW PROVISIONS:**

Requires the written request filed with the elections official to include the voter's name, residence address, and signature.

Modifies the oath of voter declaration form to indicate that the residence address is the last U.S. residence for voter qualification purposes.

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Permits a district conducting an election by all-mailed ballots to consolidate its election with one or more other political subdivisions that are also conducting their elections wholly by mail, if certain conditions are satisfied.

Expands that authorization to special district elections of governing body members in any month of odd-numbered years.

## SECTIONS AFFECTED:

### SECTION 1.

#### Amends Elections Code 103

A voter who has signed an initiative, referendum, or recall petition pursuant to the Constitution or laws of this state shall have his or her signature withdrawn from the petition upon filing a written request ~~therefor~~ that includes the voter's name, residence address, and signature with the appropriate county elections official or city elections official prior to the day the petition is filed. A written request made under this section shall not constitute a petition or paper for purposes of Section 104.

### SEC. 2.

#### Amends Elections Code 3106

(a) A military or overseas voter who is living outside of the territorial limits of the United States or the District of Columbia, or is called for military service within the United States on or after the final date to make application for a vote by mail ballot, may return his or her ballot by facsimile transmission. To be counted, the ballot returned by facsimile transmission shall be received by the voter's elections official no later than the closing of the polls on election day and shall be accompanied by an identification envelope containing all of the information required by Section 3011 and an oath of voter declaration in substantially the following form:

#### "OATH OF VOTER

I, acknowledge that by returning my voted ballot by facsimile transmission I have waived my right to have my ballot kept secret. Nevertheless, I understand that, as with any vote by mail voter, my signature, whether on this oath of voter form or my identification envelope, will be permanently separated from my voted ballot to maintain its secrecy at the outset of the tabulation process and thereafter.

My residence address (last U.S. residence for voter qualification purposes) is (Street Address) \_\_\_\_\_ (City) \_\_\_\_\_ (ZIP Code).

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My current mailing address is(Street Address) \_\_\_\_\_ (City) \_\_\_\_\_ (ZIP Code).

My email address is \_\_\_\_\_. My facsimile transmission number is \_\_\_\_\_.

I am a resident of \_\_\_\_\_ County, State of California, or am qualified as an elector pursuant to paragraph (2) of subdivision (b) of Section 321 of the Elections Code and I have not applied, nor intend to apply, for a vote by mail ballot from any other jurisdiction for the same election.

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Signature)

(voter)(power of attorney cannot be accepted)

YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT AND IDENTIFICATION ENVELOPE, ALL OF WHICH ARE RETURNED BY FACSIMILE TRANSMISSION.”

**SEC. 3.**  
**Amends Elections Code 4108**

~~(a)~~ Notwithstanding any other provisions of law and regardless of the number of eligible voters within its boundaries a district may, by resolution of its governing board, conduct any election by all-mailed ballots pursuant to Division 4 (commencing with Section 4000).

(b) (1) A district conducting an election by all-mailed ballots may consolidate its election with the election of one or more other legislative or congressional districts, public districts, cities, counties, or other political subdivisions if all of the elections to be consolidated will be:

(A) Held on the same day.

(B) Held in the same territory or in a territory that is in part the same.

(C) Conducted wholly by mail.

(2) A district consolidating its election pursuant to subdivision (a) shall order the consolidation pursuant to Section 10400.

(3) A district election that is consolidated with an all-mailed ballot election for a legislative or congressional district shall also comply with any additional statutory requirements that apply to the all-mailed ballot election for that legislative or congressional district.

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*(c) An* election conducted pursuant to this section shall be held on a date prescribed in Section 1500 or on any other date other than an established election date.

**~~SEC. 2.~~ SEC. 4.**  
**Amends Elections Code 9602**

A voter who has signed an initiative or referendum petition, and who subsequently wishes his or her name withdrawn, may do so by filing a written request for the withdrawal with the appropriate elections official *that includes the voter's name, residence address, and signature*. This request shall be filed in the elections official's office prior to the date the petition is filed. A written request made under this section shall not constitute a petition or paper for purposes of Section 104.

**SEC. 5.**  
**Amends Elections Code 10404**

(a) This section applies only to special districts electing members of the governing body in ~~November~~ of odd-numbered years. As used in this section, "special district" means an agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries, except a city, county, city and county, school or community college district, or special assessment district.

(b) Notwithstanding any other ~~provision of~~ law, a governing body of a special district may, by resolution, require that its elections of governing body members be held on the same day as the statewide general election.

(1) The resolution setting the election shall also include dates that are consistent with the primary or general election with respect to nominations, notices, canvass of votes, certification of election, and all other procedural requirements of the ~~Elections Code~~ *this code* pertaining to the primary or general election.

**SEC. 6.**  
**Amends Elections Code 10505**

The terms of office of elective officers in all new districts shall be determined as follows:

*(d) Pursuant to Section 10404, a special district electing members of the governing body in odd-numbered years may, by resolution, require that its elections of governing body members be held on the same day as the statewide general election.*

**~~SEC. 3.~~ SEC. 7.**  
**Amends Elections Code 11303**

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A voter who has signed a recall petition shall have his or her signature withdrawn from the petition upon filing a written request ~~therefor~~ that includes the voter's name, residence address, and signature with the elections official prior to the day the petition section bearing the voter's signature is filed. A written request made under this section shall not constitute a petition or paper for purposes of Section 104.

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## ELECTIONS

### [Assembly Bill 1536](#) Chapter 732

#### CURRENT PROVISIONS:

Existing law makes numerous references to federal laws related to elections.

#### NEW PROVISIONS:

Makes nonsubstantive, technical updates to the provisions referencing federal law to reflect a recent reclassification of federal law and makes additional nonsubstantive, technical changes to these provisions.

#### SECTIONS AFFECTED:

##### SECTION 1.

##### Amends Elections Code 17

The Secretary of State shall establish and maintain administrative complaint procedures, pursuant to the requirements of the Help America Vote Act of 2002 (~~42 U.S.C. Sec. 15542~~), (52 U.S.C. Sec. 21112), in order to remedy grievances in the administration of elections. The Secretary of State ~~may~~ shall not require that the administrative remedies provided in the complaint procedures established pursuant to this section be exhausted in order to pursue any other remedies provided by state or federal law.

##### SEC. 2. of the Elections Code, as amended by Section 5 of Chapter 909 of the Statutes of 2014, is amended to read:

##### Amends Elections Code 2102

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

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

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 ~~(42 U.S.C. Sec. 1973gg)~~ (52 U.S.C. Sec. 20501 et seq.) on or before the 15th day ~~prior to~~ before the election.

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

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

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

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

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

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

**SEC. 3. of the Elections Code, as amended by Chapter 909 of the Statutes of 2014, is amended to read:**

**Amends Elections Code 2102**

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

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

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration

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agency pursuant to the federal National Voter Registration Act of 1993—(42 U.S.C. Sec. 1973gg (52 U.S.C. Sec. 20501 et seq.) on or before the 15th day prior to before the election.

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

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

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

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

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

#### **SEC. 4. Amends Elections Code 2103**

(b) It is also the intent of the Legislature that county elections officials, in order to promote and encourage voter registrations, shall enlist the support and cooperation of interested citizens and organizations, and shall deputize as registrars qualified citizens in such a way as to ~~reach~~ most effectively reach every resident of the county. The persons so deputized shall be permitted to register voters anywhere within the county, including at the places of residence of the persons to be registered, and the county elections official shall not deny deputy registrars the right to register voters anywhere in the county.

(d) Where the county elections official finds that citizens described in subdivision (c) approximate 3 percent or more of the voting age residents of a precinct, or ~~in the event that~~ if interested citizens or organizations provide information ~~which~~ that the county elections official believes indicates a need for registration assistance for qualified citizens described in subdivision (c), the county elections official shall make reasonable efforts to recruit deputy registrars who are fluent in a language used by citizens described in subdivision (c) and in English. That recruitment shall be conducted through the cooperation of interested citizens and organizations and through voluntarily donated public service notices in the media, including newspapers, radio, and television, particularly those media that serve the non-English-speaking citizens described in subdivision (c). Deputy registrars so appointed

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shall facilitate registration in the particular precincts concerned and shall have the right to register voters anywhere in the county.

(g) It is the intent of the Legislature that county elections officials be permitted to distribute affidavits of registration and voter registration cards, in all languages required by Section 203 ~~(42 U.S.C. Sec. 1973aa-1a)~~ (52 U.S.C. Sec. 10503) or Section 4(f)(4) ~~(42 U.S.C. Sec. 1973b(f)(4))~~ (52 U.S.C. Sec. 10303(f)(4)) of the federal Voting Rights Act of 1965, by using the county's Internet Web site.

**SEC. 5. of the Elections Code, as amended by Section 7 of Chapter 909 of the Statutes of 2014, is amended to read:  
Amends Elections Code 2107**

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

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

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 ~~(42 U.S.C. Sec. 1973gg)~~ (52 U.S.C. Sec. 20501 et seq.) on or before the 15th day ~~prior to~~ before the election.

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

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

**SEC. 6. of the Elections Code, as amended by Section 8 of Chapter 909 of the Statutes of 2014, is amended to read:  
Amends Elections Code 2107**

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

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

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration

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agency pursuant to the federal National Voter Registration Act of 1993—~~(42 U.S.C. Sec. 1973gg)~~ (52 U.S.C. Sec. 20501 et seq.) on or before the 15th day ~~prior to~~ before the election.

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

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

### **SEC. 7. Amends Elections Code 2119**

(b) The county elections official shall accept a notification for the forthcoming election and shall change the address on the voter's affidavit of registration accordingly if the notification is executed on or before the 15th day ~~prior to~~ before the election and if any of the following apply:

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

(2) The notification is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993—~~(42 U.S.C. Sec. 1973gg)~~ ~~prior to~~ (52 U.S.C. Sec. 20501) before the election.

(3) The notification is delivered to the county elections official by means other than those described in paragraphs (2) and (3) on or before the 14th day ~~prior to~~ before the election.

### **SEC. 8. Amends Elections Code 2142**

(a) If the county elections official refuses to register ~~any~~ a qualified elector in the county, the elector may proceed by action in the superior court to compel his or her registration. In an action under this section, as many persons may join as plaintiffs as have causes of action.

(b) If the county elections official has not registered ~~any~~ a qualified elector who claims to have registered to vote through the Department of Motor Vehicles or any other public agency designated as a voter registration agency pursuant to the National Voter Registration Act of 1993—~~(42 U.S.C. Sec. 1973gg)~~, (52 U.S.C. Sec. 20501), the elector may proceed by action in the superior court to compel his or her registration. In an action under this section, as many persons may join as plaintiffs as have causes of action.

(c) No fee shall be charged by the clerk of the court for services rendered in an action under this section.

### **SEC. 9.**

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**Amends Elections Code 2155**

Upon receipt of a properly executed affidavit of registration or address correction notice or letter pursuant to Section 2119, Article 2 (commencing with Section 2220), or the National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~), (*52 U.S.C. Sec. 20501*), the county elections official shall send the voter a voter notification by nonforwardable, first-class mail, address correction requested. The voter notification shall state the party preference for which the voter has registered in the following format:

Party: (Name of political party)

The voter notification shall be substantially in the following form:

**VOTER NOTIFICATION**

You are registered to vote. The party preference you chose, if any, is on this card. This card is being sent as a notification of:

1. Your recently completed affidavit of registration.  
OR,
2. A change to your registration because of an official notice that you have moved. If your residence address has not changed or if your move is temporary, please call or write to our office immediately.  
OR,
3. Your recent registration with a change in party preference. If this change is not correct, please call or write to our office immediately.

You may vote in any election held 15 or more days after the date on this card.

Your name will appear on the index kept at the polls.

Please contact our office if the information shown on the reverse side of this card is incorrect.

(Signature of Voter)

**SEC. 10.  
Amends Elections Code 2158**

In addition to registration conducted by deputy registrars of voters, the county elections official shall do all of the following:

- (a) Provide voter registration cards designed pursuant to subdivision (a) of Section 2157 for the registration of voters at his or her office and in a

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sufficient number of locations throughout the county for the convenience of persons desiring to register, to the end that registration may be maintained at a high level. The cards shall be available in all languages required by Section 203 ~~(42 U.S.C. Sec. 1973aa-1a)~~ (52 U.S.C. Sec. 10503) or Section 4(f)(4) ~~(42 U.S.C. Sec. 1973b(f)(4))~~ (52 U.S.C. 10303(f)(4)) of the federal Voting Rights Act of 1965.

(b) Provide voter registration cards designed pursuant to subdivision (a) of Section 2157 in sufficient quantities to any individuals or organizations that wish to distribute the cards other than to persons who have been convicted of violating this section within the last five years. Individuals and organizations ~~shall be permitted to~~ may distribute voter registration cards anywhere within the county.

(3) An individual or organization that distributes voter registration cards designed pursuant to subdivision (a) of Section 2157 shall give a voter registration card to any elector requesting it, ~~provided that~~ if the individual or organization has a sufficient number of cards.

## **SEC. 11. Amends Elections Code 2162**

(a) No affidavits of registration other than those provided by the Secretary of State to the county elections officials or the national voter registration forms authorized pursuant to the federal National Voter Registration Act of 1993 ~~(42 U.S.C. Sec. 1973gg)~~ (52 U.S.C. Sec. 20501 et seq.) shall be used for the registration of voters.

(b) A voter registration card shall not be altered, defaced, or changed in any way, other than by the insertion of a mailing address and the affixing of postage, if mailed, or as otherwise specifically authorized by the Secretary of State, ~~prior to~~ before distribution of the cards.

## **SEC. 12. Amends Elections Code 2194**

(b) (1) Notwithstanding any other 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 the affidavit of voter registration of a registered voter, or added to voter registration records to comply with the requirements of the federal Help America Vote Act of 2002 ~~(42 U.S.C. Sec. 15304~~ (52 U.S.C. Sec. 20901 et seq.), are confidential and shall not be disclosed to any person.

(2) An elections official shall permit a person to view the signature of a voter for the purpose of determining ~~whether~~ if the signature matches a signature on an affidavit of registration or a petition, but shall not permit a signature to be copied.

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(d) A governmental entity, or officer or employee ~~thereof~~, *of a governmental entity*, shall not be held civilly liable as a result of disclosure of the information referred to in this section, unless by a showing of gross negligence or willfulness.

(e) For ~~the~~ purposes of this section, “voter’s household” is defined as the voter’s place of residence or mailing address or any persons who reside at the place of residence or use the mailing address as supplied on the affidavit of registration pursuant to paragraphs (3) and (4) of subdivision (a) of Section 2150.

**SEC. 13.**  
**Amends Elections Code 2196**

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

(b) The Department of Motor Vehicles shall ~~utilize~~ *use* the electronic voter registration system required by this section to comply with its duties and responsibilities as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~ *52 U.S.C. Sec. 20501* et seq.).

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

(1) 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 (~~42 U.S.C. Sec. 15304~~ *52 U.S.C. Sec. 20901* et seq.).

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

(A) The United States Election Assistance Commission has approved the use of the federal Help America Vote Act of 2002 (~~42 U.S.C. Sec. 15304~~) *52 U.S.C. Sec. 20901* funding to provide online voter registration in advance of the deployment of the statewide voter registration database or other federal funding is available and approved for the same purpose.

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

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**SEC. 14.  
Amends Elections Code 2250**

On and after July 1, 2007, in any document mailed by a state agency that offers a person the opportunity to register to vote pursuant to the National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~), (52 U.S.C. Sec. 20501) that state agency shall include a notice informing prospective voters that if they have not received voter registration information within 30 days of requesting it, they should contact their local elections office or the office of the Secretary of State.

**SEC. 15.  
Amends Elections Code 2400**

It is the intent of the Legislature, in enacting this chapter, to facilitate compliance with the requirements set forth in the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~) (52 U.S.C. Sec. 20501 et seq.) relating to voter registration services.

**SEC. 16.  
Amends Elections Code 2401**

For purposes of this chapter, the following terms have the following meanings:

(a) "Voter preference form" means the form described in Section ~~1973gg-5(a)(6)(B) of Title 42~~ 20506(a)(6)(B) of Title 52 of the United States Code.

(b) "Voter registration agency" means either of the following:

(1) A department, division, or office of state or local government, or a program supported by state funds, that is designated by executive order of the Governor or pursuant to the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~) (52 U.S.C. Sec. 20501 et seq.) as a voter registration agency.

**SEC. 17.  
Amends Elections Code 2402**

(a) The Secretary of State is the chief state elections official responsible for coordination of the state's responsibilities under the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~) (52 U.S.C. Sec. 20501 et seq.).

(b) The Secretary of State shall adopt such regulations as are necessary to implement this chapter and the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~) (52 U.S.C. Sec. 20501 et seq.).

**SEC. 18.**

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**Amends Elections Code 2403**

(a) A voter registration agency shall comply with the applicable duties and responsibilities of a voter registration agency set forth in the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~ 52 U.S.C. Sec. 20501 et seq.).

(b) A voter registration agency, with each application for service or assistance and with each recertification, renewal, or change of address form relating to the service or assistance, and in accordance with the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~ 52 U.S.C. Sec. 20501 et seq.), shall provide to an applicant all of the following:

**SEC. 19.****Amends Elections Code 2404**

(a) The Secretary of State shall do all of the following:

(1) Coordinate with each county elections official and voter registration agency to implement this chapter.

(2) Prepare written training materials that describe the responsibilities of a county elections official and voter registration agency pursuant to this chapter and the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~ 52 U.S.C. Sec. 20501 et seq.).

(3) Contact a voter registration agency if the agency is not complying with the requirements of this chapter and the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~ 52 U.S.C. Sec. 20501 et seq.).

(4) Coordinate with each state agency that evaluates the performance of an agency designated as a voter registration agency, including doing both of the following:

(A) Communicate to the state agency the requirements of, and best practices for complying with, this chapter and the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~ 52 U.S.C. Sec. 20501 et seq.).

(B) Assist the state agency in its effort to help a voter registration agency comply with the requirements of this chapter or the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~ 52 U.S.C. Sec. 20501 et seq.).

(b) The Secretary of State may do any of the following:

(1) Conduct a review of a voter registration agency's compliance with the requirements of this chapter or the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~ 52 U.S.C. Sec. 20501 et seq.).

(2) Conduct a review of a county elections official's compliance with the requirements of this chapter or the federal National Voter Registration Act

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of 1993 (~~42 U.S.C. Sec. 1973gg~~ 52 U.S.C. Sec. 20501 et seq.) if the county elections official fails to timely submit a report pursuant to Section 2407, or if a report indicates that the county elections official is not complying with the requirements of this chapter or the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~ 52 U.S.C. Sec. 20501 et seq.).

(3) Post the results of a review conducted pursuant to this subdivision on the Secretary of State's Internet Web site.

## **SEC. 20. Amends Elections Code 2405**

(a) A county elections official shall be responsible for coordinating with the Secretary of State and each applicable voter registration agency within the county to administer the voter registration services required pursuant to this chapter and the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~ 52 U.S.C. Sec. 20501 et seq.).

(b) The county elections official shall do all of the following:

(1) Provide voter registration cards to a voter registration agency upon request of the voter registration agency.

(2) Maintain a record of the number of voter registration cards provided to and received from each voter registration agency, and each office or site ~~thereof~~, of the voter registration agency.

(3) Assist a voter registration agency, upon request, in conducting a training program for its employees based on the training materials prepared by the Secretary of State on the requirements of this chapter and the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~ 52 U.S.C. Sec. 20501 et seq.).

## **SEC. 21. Amends Elections Code 2406**

(a) A voter registration agency shall do all of the following:

(4) Take steps to ensure that the voter registration agency, and each office or site ~~thereof~~, of the voter registration agency, has a sufficient supply of voter preference forms and voter registration cards available, including voter preference forms and voter registration cards in all languages required by Section 203 (~~42 U.S.C. Sec. 1973aa-1a~~) (52 U.S.C. Sec. 10503) or Section 4(f)(4) (~~42 U.S.C. Sec. 1973b(f)(4)~~) (52 U.S.C. Sec. 10303(f)(4)) of the federal Voting Rights Act of 1965.

(5) Ensure that each employee of the voter registration agency who may provide voter registration services completes, at least once per year, a training based on the training materials prepared by the Secretary of State on the requirements of this chapter and the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~ 52 U.S.C. Sec. 20501 et seq.). The

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voter registration agency may incorporate this training into any other training program provided by the voter registration agency for its employees.

(b) A voter registration agency may conduct a review of the agency, or an office or site of the agency, as necessary, to ensure compliance with this chapter and the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~ (52 U.S.C. Sec. 20501 et seq.).

**SEC. 22.  
Amends Elections Code 2408**

(d) The Secretary of State shall take steps to ensure that the electronic affidavit of voter registration is available, and may be electronically submitted and verified, in all languages in which a county is required to provide voting materials pursuant to Section 203 (~~42 U.S.C. Sec. 1973aa-1a~~) (52 U.S.C. Sec. 10503) or Section 4(f)(4) (~~42 U.S.C. Sec. 1973b(f)(4)~~) (52 U.S.C. Sec. 10303(f)(4)) of the federal Voting Rights Act of 1965.

**SEC. 23.  
Amends 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~~ if 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~~ after completion of the official canvass.

(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~~) (52 U.S.C. Sec. 21082).

(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).

**SEC. 24.  
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~~ (52 U.S.C. Sec. 20301 et seq.), not sooner than 60 days but not later than 45 days before 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.

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**SEC. 25.**  
**Amends Elections Code 4000.5**

(6) (A) At least one polling place is provided per city or the polling places are fixed in a manner so that there is one polling place for every 10,000 registered voters within the congressional or legislative district, as determined on the 88th day ~~prior to~~ before the day of the election, whichever results in more polling places. A polling place shall allow a voter to request and vote a ballot between 7 a.m. and 8 p.m. on the day of the election.

(B) The polling places provided under this section shall be established in accordance with the accessibility requirements described in Article 5 (commencing with Section 12280) of Chapter 3 of Division 12, the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Help America Vote Act of 2002 (~~42 U.S.C. Sec. 15301~~ 52 U.S.C. Sec. 20901 et seq.), and the federal Voting Rights Act of 1965 (~~42 U.S.C. Sec. 1974~~ 52 U.S.C. Sec. 10101 et seq.), and shall, to the extent possible, ensure that access is evenly distributed throughout the congressional or legislative district.

(D) If a polling place consolidates one or more precincts for which the county elections official is required to recruit precinct board members who are fluent in a language in addition to English pursuant to subdivision (c) of Section 12303 or the federal Voting Rights Act of 1965 (~~42 U.S.C. Sec. 1974~~ 52 U.S.C. Sec. 10101 et seq.), the elections official shall make reasonable efforts to ensure that the polling place is staffed by precinct board members who speak those languages.

(B) The county elections official delivers to each voter, with either the sample ballot sent pursuant to Section 13303 or with the voter's ballot, all of the following:

(i) A notice, translated in all languages required under subdivision (c) of Section 14201 and Section 203 of the federal Voting Rights Act of 1965 (~~42 U.S.C. Sec. 1974~~ 52 U.S.C. Sec. 10101 et seq.), that informs voters of all of the following:

(III) The voter may request the county elections official to send a vote by mail ballot in a language other than English pursuant to Section 203 of the federal Voting Rights Act of 1965 (~~42 U.S.C. Sec. 1974~~ 52 U.S.C. Sec. 10101 et seq.) or a facsimile copy of the ballot printed in other languages pursuant to Section 14201.

(8) (A) The county elections official submits to the Secretary of State a voter education and outreach plan to be implemented by the county for any election conducted pursuant to this section. The voter education and outreach plan shall include, but shall not be limited to, all of the following:

(i) One education and outreach meeting that shall include representatives, advocates, and other stakeholders representing each community for which the county is required to provide voting materials and

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assistance in other languages under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 ~~(42 U.S.C. Sec. 1974~~ (52 U.S.C. Sec. 10101 et seq.).

(iii) At least one bilingual voter education program for each language in which the county is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 ~~(42 U.S.C. Sec. 1974~~ (52 U.S.C. Sec. 10101 et seq.).

(iv) At least one voter education program to increase accessibility for participation of eligible voters with disabilities.

(v) A toll-free voter assistance hotline maintained by the county elections official that shall be operational no later than the date that vote by mail ballots are mailed to voters until 5 p.m. on the day after the special election. The toll-free voter assistance hotline shall provide assistance to voters in all languages in which the county is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 ~~(42 U.S.C. Sec. 1974~~ (52 U.S.C. Sec. 10101 et seq.).

(vii) At least one public service announcement in the media, including newspapers, radio, and television, that serve non-English-speaking citizens for each language in which the county is required to provide voting materials and assistance under subdivision (c) of Section 14201 and the federal Voting Rights Act of 1965 ~~(42 U.S.C. Sec. 1974~~ (52 U.S.C. Sec. 10101 et seq.) for purposes of informing voters of the upcoming election and promoting the toll-free voter assistance hotline.

(i) (1) If an election is conducted pursuant to this section, San Diego County shall report to the Legislature and to the Secretary of State regarding the success of the election, including, but not limited to, any statistics on the cost to conduct the election; the turnout of different populations, including, but not limited to and to the extent possible, the population categories of race, ethnicity, language preference, age, gender, disability, permanent vote by mail status, and political party affiliation as it relates to the languages required under the federal Voting Rights Act of ~~1965;~~ 1965 (52 U.S.C. Sec. 10101 et seq.); the number of ballots that were not counted and the reasons they were rejected; voter fraud; and any other problems that became known to the county during the election or canvass.

(3) Within six months after the date of the election or ~~prior to~~ before the date of a subsequent election conducted pursuant to this section, whichever is sooner, San Diego County shall do all of the following with respect to the report required by this subdivision:

## **SEC. 26. Amends Elections Code 9054**

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](http://www.leginfo.ca.gov)

(a) Whenever a city, county, or city and county is required by Section 203 ~~(42 U.S.C. Sec. 1973aa-1a)~~ (52 U.S.C. Sec. 10503) or Section 4(f)(4) ~~(42 U.S.C. Sec. 1973b(f)(4))~~ (52 U.S.C. Sec. 10303(f)(4)) of the federal Voting Rights Act of 1965 to provide a translation of ballot materials in a language other than English, the Secretary of State shall provide a translation of the ballot title and summary prepared pursuant to Sections 9050 and 9051 and of the ballot label prepared pursuant to Section 13247 in that language to the city, county, or city and county for each state measure submitted to the voters in a statewide election not later than 68 days ~~prior to~~ before that election.

**SEC. 27.**

**Amends Elections Code 9094.5**

(b) The processes described in subdivision (a) shall become effective only after the Secretary of State certifies that the state has a statewide voter registration database that complies with the federal Help America Vote Act of 2002 ~~(42 U.S.C. Sec. 15304)~~ (52 U.S.C. Sec. 20901 et seq.).

**SEC. 28.**

**Amends Elections Code 12309.5**

(a) No later than June 30, 2005, the Secretary of State shall adopt uniform standards for the training of precinct board members, based upon the recommendations of the task force appointed pursuant to subdivision (b). The uniform standards shall, at a minimum, address the following:

(1) The rights of voters, including, but not limited to, language access rights for linguistic minorities, the disabled, and protected classes as referenced and defined in the federal Voting Rights Act ~~(42 U.S.C. Sec. 1973)~~ (52 U.S.C. Sec. 10301 et seq.).

(2) Election challenge procedures such as challenging precinct administrator misconduct, fraud, bribery, or discriminatory voting procedures as referenced and defined in the federal Voting Rights Act ~~(42 U.S.C. Sec. 1973)~~ (52 U.S.C. Sec. 10301 et seq.).

(4) Poll hours and procedures concerning the opening and closing of polling locations on election day. Procedures shall be developed that, notwithstanding long lines or delays at a polling location, ensure that all eligible voters who arrive at the polling location ~~prior to~~ before closing time are allowed to cast a ballot.

(b) The Secretary of State shall appoint a task force of at least 12 members who have experience in the administration of elections and other relevant backgrounds to study and recommend uniform guidelines for the training of precinct board members. The task force shall consist of the chief elections officer of the two largest counties, the two smallest counties, and

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two county elections officers selected by the Secretary of State, or their designees. The Secretary of State shall appoint at least six other members who have elections expertise, or their designees, including members of community-based organizations that may include citizens familiar with different ethnic, cultural, and disabled populations to ensure that the task force is representative of the state's diverse electorate. The task force shall make its recommendations available for public review and comment ~~prior to~~ before the submission of the recommendations to the Secretary of State and the Legislature.

## **SEC. 29.**

### **Amends Elections Code 13107**

(e) The designation shall remain the same for all purposes of both primary and general elections, unless the candidate, at least 98 days ~~prior to~~ before the general election, requests in writing a different designation which the candidate is entitled to use at the time of the request.

(g) Whenever a foreign language translation of a candidate's designation is required under the Voting Rights Act of 1965 (~~42 U.S.C. Sec. 1974~~), (52 U.S.C. Sec. 10101), as amended, to appear on the ballot in addition to the English language version, it shall be as short as possible, as consistent as is practicable with this section, and shall employ abbreviations and initials wherever possible in order to avoid undue length.

## **SEC. 30.**

### **Amends Elections Code 14026**

As used in this chapter:

(a) "At-large method of election" means any of the following methods of electing members to the governing body of a political subdivision:

(d) "Protected class" means a class of voters who are members of a race, color or language minority group, as this class is referenced and defined in the federal Voting Rights Act (~~42 U.S.C. Sec. 1973~~) (52 U.S.C. Sec. 10301 et seq.).

(e) "Racially polarized voting" means voting in which there is a difference, as defined in case law regarding enforcement of the federal Voting Rights Act (~~42 U.S.C. Sec. 1973~~) (52 U.S.C. Sec. 10301 et seq.), in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate. The methodologies for estimating group voting behavior as approved in applicable federal cases to enforce the federal Voting Rights Act (~~42 U.S.C. Sec. 1973~~) (52 U.S.C. Sec. 10301 et seq.) to establish racially polarized voting may be used for purposes

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of this section to prove that elections are characterized by racially polarized voting.

**SEC. 31.  
Amends Elections Code 18108**

(c) This section shall not apply to any public agency or its employees that is designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~), (52 U.S.C. Sec. 20501 et seq.), when an elector asks for assistance to register to vote during the course and scope of the agency's normal business.

**SEC. 32.  
Amends Elections Code 18108.1**

(c) This section shall not apply to any public agency or its employees that is designated as a voter registration agency pursuant to the National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~), (52 U.S.C. Sec. 20501 et seq.), when an elector asks for assistance to register to vote during the course and scope of the agency's normal business.

**SEC. 33.  
Amends Elections Code 18108.5**

(d) This section shall not apply to a public agency or its employees that is designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~), (52 U.S.C. Sec. 20501 et seq.), when an elector asks for assistance to register to vote during the course and scope of the agency's normal business.

**SEC. 34.  
Amends Elections Code 19240**

It 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. 15304~~) (52 U.S.C. Sec. 20901 et seq.) that require voting systems be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually 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. 35.  
Amends Elections Code 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 voters with disabilities the access

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required under the federal Help America Vote Act of 2002 (~~42 U.S.C. Sec. 45304~~ 52 U.S.C. Sec. 20901 et seq.).

(b) At each polling place, at least one voting unit certified or conditionally approved by the Secretary of State shall provide voters with disabilities the access required under the federal Help America Vote Act of 2002 (~~42 U.S.C. Sec. 45304~~ 52 U.S.C. Sec. 20901 et seq.).

**SEC. 36.**  
**Amends Elections Code 21500**

Following each decennial federal census, and using that census as a basis, the board shall adjust the boundaries of any or all of the supervisorial districts of the county so that the supervisorial districts shall be as nearly equal in population as may be and shall comply with the applicable provisions of Section ~~4973~~ 10301 of Title ~~42~~ 52 of the United States Code, as amended. In establishing the boundaries of the supervisorial districts the board may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the supervisorial districts.

**SEC. 37.**  
**Amends Elections Code 21550**

(3) The resulting supervisorial districts shall comply with any applicable provisions of Section ~~4973~~ 10301 of Title ~~42~~ 52 of the United States Code, as amended.

(5) The commission shall ~~utilize~~ use federal census tracts and blocks in establishing the boundaries of supervisorial districts.

(f) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts, as specified in subdivision (c), and shall file the plan with the clerk ~~prior to~~ before the first day of October of the year following the year in which each decennial federal census is taken.

**SEC. 38.**  
**Amends Elections Code 21601**

Following each decennial federal census, and using that census as a basis, the council shall, by ordinance or resolution, adjust the boundaries of any or all of the council districts of the city so that the council districts shall be as nearly equal in population as may be and shall comply with the applicable provisions of Section ~~4973~~ 10301 of Title ~~42~~ 52 of the United States Code, as amended. In establishing the boundaries of the council districts the council may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the council districts.

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**SEC. 39.  
Amends Elections Code 21620**

If the members of the governing body of a chartered city are nominated or elected “by districts” or “from districts,” as defined in Section 34871 of the Government Code, upon the initial establishment thereof, the districts shall be as nearly equal in population as may be according to the latest federal decennial census or, if the city’s charter so provides, according to the federal mid-decade census or the official census of the city, as provided for pursuant to Chapter 17 (commencing with Section 40200) of Part 2 of Division 3 of Title 4 of the Government Code, as the case may be. After the initial establishment of the districts, the districts shall continue to be as nearly equal in population as may be according to the latest federal decennial census or, if authorized by the charter of the city, according to the federal mid-decade census. The districts shall comply with the applicable provisions of the federal Voting Rights Act of ~~1965, Section 1973 of Title 42 of the United States Code, 1965 (52 U.S.C. Sec. 10301, et seq.)~~, as amended. In establishing the boundaries of the districts, the council may give consideration to the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interest of the districts.

**SEC. 40.  
Amends Elections Code 22000**

(a) Each district required by its authorizing act to adjust division boundaries pursuant to this section shall, by resolution, after each federal decennial census, and using that census as a basis, adjust the boundaries of any divisions so that the divisions are, as far as practicable, equal in population and in compliance with Section ~~4973~~ 10301 of Title ~~42~~ 52 of the United States Code, as amended, to the extent those provisions ~~are applicable.~~ apply. In adjusting the boundaries of the ~~district,~~ divisions, the board may give consideration to the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interests of the ~~district,~~ division. This section does not apply to ~~districts~~ divisions in which only landowners vote for directors or whose directors are all elected at large or appointed.

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**VOTE BY MAIL BALLOT DROP-OFF LOCATIONS**

**Senate Bill 365  
Chapter 733**

**CURRENT PROVISIONS:**

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Existing law provides that the Secretary of State is the chief elections officer of the state and requires the Secretary of State to administer the provisions of the Elections Code.

Existing law authorizes the Secretary of State to adopt regulations to ensure the uniform application and administration of state election laws.

Existing law sets forth procedures for processing vote by mail ballots and requires that all vote by mail ballots cast be received by the elections official or by the precinct board no later than the close of polls on election day.

Existing law requires a vote by mail voter is required to return his or her voted vote by mail ballot either by returning the ballot by mail or in person to the elections official from whom it came or by returning the ballot in person to a member of a precinct board at a polling place within the jurisdiction.

#### **NEW PROVISIONS:**

Permits a vote by mail voter to return his or her voted vote by mail ballot to the elections official from whom it came at a vote by mail ballot drop-off location, as defined.

Requires the Secretary of State, on or before January 1, 2017, to promulgate regulations establishing guidelines based on best practices for security measures and procedures that a county elections official may use if the county elections official establishes one or more vote by mail ballot drop-off locations and vote by mail ballot drop boxes, as defined.

#### **SECTIONS AFFECTED:**

##### **SECTION 1.**

##### **Amends Elections Code 3017**

(a) All vote by mail ballots cast under this division shall be voted on or before the day of the election. After marking the ballot, the vote by mail voter shall do ~~either~~ any of the following: (1) return the ballot by mail or in person to the elections official from whom it ~~came or~~ came, (2) return the ballot in person to a member of a precinct board at a polling place within the ~~jurisdiction.~~ jurisdiction, or (3) return the ballot to the elections official from whom it came at a vote by mail ballot drop-off location, if provided pursuant to Section 3025. However, a vote by mail voter who is unable to return the ballot may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the vote by mail voter to return the ballot to the elections official from whom it came or to

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the precinct board at a polling place within the jurisdiction. The ballot must, however, be received by either the elections official from whom it came or the precinct board before the close of the polls on election day.

**SEC. 2.**  
**Adds Elections Code 3025**

(b) ~~The~~ *On or before January 1, 2017, the* Secretary of State shall promulgate regulations establishing *guidelines based on* best practices for security measures and procedures, *including, but not limited to, chain of custody, pick-up times, proper labeling, and security of the vote by mail ballot drop boxes,* that a county elections official may use if the county elections official establishes one or more vote by mail ballot drop-off locations.

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**BALLOT MATERIALS: TRANSLATIONS**

**[Senate Bill 366](#)**  
**Chapter 144**

**CURRENT PROVISIONS:**

Existing law requires each county elections official to prepare separate sample ballots for each political party and a separate sample nonpartisan ballot, as specified.

Existing law requires the elections official to send to each voter, together with the sample ballot, a voter's pamphlet that contains the written statements of each candidate.

Existing law requires the elections officials to provide a Spanish translation to those candidates who wish to have one and requires that the person selected to provide that translation be from a list of approved Spanish-language translators and interpreters of the superior court of the county or from an institution accredited by the Western Association of Schools and Colleges.

Existing law requires the public posting of specified voting information at each polling place on the day of each election.

Existing law requires the precinct board to post, in a conspicuous location at the polling place, at least one facsimile copy of the ballot with the ballot measures and ballot instructions printed in Spanish and facsimile ballots printed in other languages if a significant and substantial need is found by the elections official.

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Existing law requires that each translation of the ballot measures and ballot instructions posted at the polling place be provided by a person selected by the elections official from the list of approved translators and interpreters of the superior court of the county or from an institution accredited by the Western Association of Schools and Colleges.

#### **NEW PROVISIONS:**

Expands the group of acceptable translators for purposes of the provisions described above to include persons appearing on the Judicial Council's Master List, persons qualified by the Administrative Office of the United States Courts, persons from an institution accredited by a regional or national accrediting agency recognized by the United States Secretary of Education, and members of certain professional organizations.

#### **SECTIONS AFFECTED:**

#### **SECTION 1.**

##### **Amends Elections Code 13307**

(b) (1) The elections official shall send to each voter, together with the sample ballot, a voter's pamphlet which contains the written statements of each candidate that is prepared pursuant to this section. The statement of each candidate shall be printed in type of uniform size and darkness, and with uniform spacing. ~~The~~

(2) ~~The~~ elections official shall provide a Spanish translation to those candidates who wish to have one, and shall select a person to provide that translation ~~from the list of approved Spanish language translators and interpreters of the superior court of the county or from an institution accredited by the Western Association of Schools and Colleges.~~ who is one of the following:

(A) *A certified and registered interpreter on the Judicial Council Master List.*

(B) *An interpreter categorized as "certified" or "professionally qualified" by the Administrative Office of the United States Courts.*

(C) *From an institution accredited by a regional or national accrediting agency recognized by the United States Secretary of Education.*

(D) *A current voting member in good standing of the American Translators Association.*

(E) *A current member in good standing of the American Association of Language Specialists.*

#### **SEC. 2.**

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### Amends Elections Code 14111

Translations of the ballot measures and ballot instructions, as required by Section 14201, shall be provided by a person selected by the elections official ~~from the list of approved translators and interpreters of the superior court of the county or from an institution accredited by the Western Association of Schools and Colleges.~~ who is one of the following:

(a) A certified and registered interpreter on the Judicial Council Master List.

(b) An interpreter categorized as “certified” or “professionally qualified” by the Administrative Office of the United States Courts.

(c) From an institution accredited by a regional or national accrediting agency recognized by the United States Secretary of Education.

(d) A current voting member in good standing of the American Translators Association.

(e) A current member in good standing of the American Association of Language Specialists.

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## VOTER PARTICIPATION

### [Senate Bill 415](#)

#### Chapter 235

#### **CURRENT PROVISIONS:**

Existing law generally requires all state, county, municipal, district, and school district elections be held on an established election date.

Existing law establishes certain dates for statewide elections.

Existing law requires any state, county, municipal, district, and school district election held on a statewide election date to be consolidated with a statewide election, except as provided.

#### **NEW PROVISIONS:**

Provides that commencing January 1, 2018, a political subdivision is prohibited from holding an election other than on a statewide election date if holding an election on a non-concurrent date has previously resulted in voter turnout for a regularly-scheduled election in that political subdivision being at least 25 percent less than the average voter turnout within the political subdivision for the previous 4 statewide general elections, except as specified.

Requires a court to implement appropriate remedies upon a violation of this prohibition.

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Permits a voter who resides in a political subdivision where a violation is alleged to file an action in Superior Court to enforce this prohibition, and allows a prevailing plaintiff other than the state or political subdivision to collect a reasonable attorney's fee and litigation expenses, as provided.

**SECTIONS AFFECTED:**

**SECTION 1**

**CHAPTER 1.7. Voter Participation**

**Adds Elections Code 14050**

*This chapter shall be known and may be cited as the California Voter Participation Rights Act.*

**Adds Elections Code 14051**

*As used in this chapter:*

(a) "Political subdivision" means a geographic area of representation created for the provision of government services, including, but not limited to, a city, a school district, a community college district, or other district organized pursuant to state law.

(b) "Significant decrease in voter turnout" means the voter turnout for a regularly-scheduled election in a political subdivision is at least 25 percent less than the average voter turnout within that political subdivision for the previous four statewide general elections.

(c) "Voter turnout" means the percentage of voters who are eligible to cast ballots within a given political subdivision who voted.

**Adds Elections Code 14052**

(a) *Except as provided in subdivision (b), a political subdivision shall not hold an election other than on a statewide election date if holding an election on a non-concurrent date has previously resulted in a significant decrease in voter turnout.*

(b) *A political subdivision may hold an election other than on a statewide election date if, by January 1, 2018, the political subdivision has adopted a plan to consolidate a future election with a statewide election not later than the November 8, 2022, statewide general election.*

**Adds Elections Code 14053**

*Upon a finding of a violation of subdivision (a) of Section 14052, the court shall implement appropriate remedies, including the imposition of concurrent election dates for future elections and the upgrade of voting equipment or systems to do so. In imposing remedies pursuant to this*

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*section, a court may also require a county board of supervisors to approve consolidation pursuant to Section 10402.5.*

**Adds Elections Code 14054**

*In an action to enforce subdivision (a) of Section 14052, the court shall allow the prevailing plaintiff other than the state or political subdivision of the state, a reasonable attorney's fee consistent with the standards established in *Serrano v. Priest* (1977) 20 Cal.3d 25, 48-49, and litigation expenses including, but not limited to, expert witness fees and expenses as part of the costs. A prevailing defendant shall not recover any costs, unless the court finds the action to be frivolous, unreasonable, or without foundation.*

**Adds Elections Code 14055**

*A voter who resides in a political subdivision where a violation of subdivision (a) of Section 14052 is alleged may file an action pursuant to that section in the superior court of the county in which the political subdivision is located.*

**Adds Elections Code 14056**

*This chapter does not apply to special elections.*

**Adds Elections Code 14057**

***This chapter shall become operative on January 1, 2018.***

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**ELECTION PROCEDURES**

**[Senate Bill 439](#)**

**Chapter 734**

**CURRENT PROVISIONS:**

Existing law permits a county elections official to offer conditional voter registration and provisional voting on election day at satellite offices of the county elections office, as specified.

Existing law requires each precinct board to keep a roster of voters who voted at the precinct, as specified.

Existing law also requires an elections official to furnish to the precinct officers, among other things, printed copies of the index to the affidavits of registration for that precinct.

Existing law requires the secretary to adopt regulations (A) governing the manufacture, finishing, quality standards, distribution, and inventory control of

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ballot cards and (B) requiring the biennial inspection of the manufacturing, finishing, and storage facilities involving ballot cards.

Existing law requires the secretary to also approve each ballot card manufacturer or finisher before a manufacturer or finisher provides ballot cards for use in California elections.

**NEW PROVISIONS:**

Allows a county elections official to offer conditional voter registration and provisional voting at satellite offices other than on election day.

Requires the Secretary of State to adopt and publish electronic poll book standards and regulations governing the certification and use of electronic poll books, as defined.

Requires that the electronic poll book include specified voter registration data.

Prohibits the use of an electronic poll book unless it has been certified by the secretary.

Requires the secretary to adopt regulations (A) governing ballot on demand systems, as defined, and (B) for purposes of certifying ballot on demand systems.

Requires, for commercial ballot manufacturers and finishers, the secretary to require a biennial inspection of the certified manufacturing, finishing, and storage facilities.

Requires the secretary to approve each ballot on demand system before the system is deployed for use in California elections.

Prohibits a jurisdiction from purchasing, leasing, or contracting for, and a vendor, company, or person from selling, leasing, or contracting with a jurisdiction for, a ballot on demand system unless the ballot on demand system has been certified by the secretary.

**SECTIONS AFFECTED:**

***SECTION 1.***

**Adds Election Code 303.4**

*“Ballot on demand system” means a self-contained system that allows users to do both of the following on an as-needed basis:*

*(a) Manufacture and finish card stock.*

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(b) *Finish unfinished ballot cards into ballot cards.*

**SECTION 1, SEC. 2.**  
**Amends Elections Code 2170**

(a) "Conditional voter registration" means a properly executed affidavit of registration, which registration that is delivered by the registrant to a the county elections official during the 14 days immediately preceding an election or on election day and which may be deemed effective pursuant to this article after the elections official processes the affidavit, determines the registrant's eligibility to register, and validates the registrant's information, as specified in subdivision (c).

(c) (1) A conditional voter registration shall be deemed effective if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and that the information provided by the registrant on the registration affidavit matches information contained in a database maintained by the ~~California~~ Department of Motor Vehicles or the federal Social Security Administration.

(d) The county elections official shall offer conditional voter registration and provisional voting pursuant to this article, in accordance with all of the following procedures:

(4) After receiving a conditional voter registration, the elections official shall process the registration, determine the registrant's eligibility to register, and attempt to validate the registrant's information.

(e) The county elections official may offer conditional voter registration and provisional voting pursuant to this article ~~on election day~~ at satellite offices of the county elections office, in accordance with the procedures specified in paragraphs (2) to (5), inclusive, of subdivision (d).

**SEC. 3.**  
**Adds Elections Code 2550**

(a) *For purposes of this section, "electronic poll book" means an electronic list of registered voters that may be transported to the polling location. An electronic poll book shall contain all of the following voter registration data:*

- (1) *Name.*
- (2) *Address.*
- (3) *Precinct.*
- (4) *Party preference.*
- (5) *Whether or not the voter has been issued a vote by mail ballot.*
- (6) *Whether or not the vote by mail ballot has been recorded as received by the elections official.*

(b) *An electronic poll book shall not be used unless it has been certified by the Secretary of State.*

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(c) *The Secretary of State shall adopt and publish electronic poll book standards and regulations governing the certification and use of electronic poll books.*

(d) *The Secretary of State shall not certify an electronic poll book unless it fulfills the requirements of this section and the Secretary of State's standards and regulations.*

**SEC. 4.**  
**Amends Elections Code 13004**

(a) The Secretary of State shall adopt regulations governing the manufacture, finishing, quality standards, distribution, and inventory control of ballot cards and ~~requiring the ballot on demand systems. For commercial ballot manufacturers and finishers, the Secretary of State shall require a biennial inspection of the certified manufacturing, finishing, and storage facilities involving ballot cards. facilities.~~ The Secretary of State shall also approve each ballot card ~~manufacturer or finisher prior to a manufacturer or finisher providing~~ manufacturer, finisher, and ballot on demand system before manufacturing or finishing ballot ~~cards~~ cards, or deploying a ballot on demand system, for use in California elections.

(b) Not later than five working days before the Secretary of State begins his or her initial inspection, the ballot card ~~manufacturer or finisher~~ manufacturer, finisher, or ballot on demand system vendor shall disclose to the Secretary of State in writing any known flaw or defect in its ballot card manufacturing or finishing ~~process or~~ process, manufactured or finished ballot ~~cards~~ cards, or ballot on demand system that could adversely affect the future casting or tallying of votes. Once approved by the Secretary of State, the ballot card ~~manufacturer or finisher~~ manufacturer, finisher, or ballot on demand system vendor shall notify the Secretary of State and the affected local elections officials in writing within two business days after it discovers any flaw or defect in its ballot card manufacturing or finishing ~~process or~~ process, manufactured or finished ballot ~~cards~~ cards, or ballot on demand system that could adversely affect the future casting or tallying of votes.

**SEC. 5.**  
**Adds Elections Code 13004.5**

(a) *A jurisdiction shall not purchase, lease, or contract for a ballot on demand system unless the ballot on demand system has been certified by the Secretary of State.*

(b) *A vendor, company, or person shall not sell, lease, or contract with a jurisdiction for the use of a ballot on demand system unless the ballot on demand system has been certified by the Secretary of State.*

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\*Full text can be obtained from [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

(c) *This section does not preclude a jurisdiction from conducting research and development of a ballot on demand system. A ballot on demand system that is used for purposes of this subdivision shall not be used in an election conducted pursuant to this code unless the system has been certified by the Secretary of State.*

(d) *The Secretary of State shall promulgate regulations for purposes of certifying ballot on demand systems.*

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## ELECTIONS IN CITIES: BY OR FROM DISTRICTS

### [Senate Bill 493](#)

#### Chapter 735

#### **CURRENT PROVISIONS:**

Existing law generally requires all elective city offices, including the members of a city council, to be filled at large by the city electorate at a general municipal election.

Existing law, at any municipal election or special election held for this purpose, authorizes the legislative body of a city to submit to the registered voters an ordinance providing for the election of members of the legislative body by district or from district, as defined, and with or without an elective mayor.

#### **NEW PROVISIONS:**

Authorizes the legislative body of a city with a population of fewer than 100,000 people to adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor without being required to submit the ordinance to the voters for approval.

Requires the ordinance to include a specified declaration and requires the population of the city to be determined by the most recent federal decennial census.

#### **SECTIONS AFFECTED:**

#### **SECTION 1.**

#### **Adds Government Code 34886**

(a) *Notwithstanding Section 34871 or any other law, the legislative body of a city with a population of fewer than 100,000 people may adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor, as described in subdivisions (a) and (c) of Section 34871, without being required to submit the ordinance to*

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*the voters for approval. An ordinance adopted pursuant to this subdivision shall include a declaration that the change in the method of electing members of the legislative body is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code).*

*(b) For purposes of this section, the population of a city shall be determined by the most recent federal decennial census.*

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## VOTER BILL OF RIGHTS

### Senate Bill 505 Chapter 236

#### **CURRENT PROVISIONS:**

Existing law sets forth requirements and entitlements with respect to the right to vote in California elections. Among the requirements for voters is United States citizenship.

Establishes a Voter Bill of Rights enumerating the rights of voters as established under existing law and requires the Voter Bill of Rights, worded as specified, to be made available to the public.

Existing law permits the Secretary of State to develop regulations to implement and clarify the Voter Bill of Rights.

#### **NEW PROVISIONS:**

Eliminates the requirement that the Voter Bill of Rights be worded and would instead authorize the Secretary of State to revise the wording as necessary to ensure understanding.

#### **SECTIONS AFFECTED:**

##### **SECTION 1.**

##### **Amends Elections Code 2300**

(a) All voters, pursuant to the California Constitution and this code, shall be citizens of the United States. There shall be a Voter Bill of Rights for voters, available to the public, which shall ~~read~~ convey all of the following to voters:

(c) The Secretary of State may ~~develop~~ do both of the following:

(1) Develop regulations to implement and clarify the Voter Bill of Rights set forth in subdivision (a).

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(2) *Revise the wording of the Voter Bill of Rights as necessary to ensure the use of clear and concise language free from technical terms.*

**VOTING: VOTER REGISTRATION: INDIVIDUALS WITH DISABILITIES  
AND CONSERVATEES**

**Senate Bill 589**  
**Chapter 736**

**CURRENT PROVISIONS:**

Existing law requires that a person be registered as a voter by affidavit of registration and provides that a properly executed registration is deemed effective if it is received on or before the 15th day before an election to be held in the registrant's precinct.

Existing law requires the affidavit of registration to show certain information of the affiant and requires the affiant to certify the content of the affidavit as to its truth and correctness, under penalty of perjury, with the signature of the affiant's name and the date of signing, except that if the affiant is unable to write, a mark or cross must be used to sign the affidavit.

Existing law deems a person mentally incompetent, and therefore disqualified from voting if, during certain proceedings including conservatorship proceedings, the court finds that the person is incapable of completing an affidavit of voter registration.

Existing law requires the jury to unanimously find that the person is incapable of completing an affidavit of registration before the person is disqualified from voting, in certain conservatorship proceedings heard by a jury

Existing law requires, if an order establishing a conservatorship is made and in connection with the order it is found that the person is incapable of completing an affidavit of voter registration, the court to forward the order and determination to the county elections official of the person's county of residence.

Existing law requires the court investigator to review the person's capability of completing an affidavit of voter registration and, if the conservatee's capability of completing the affidavit of voter registration changes, requires the court investigator to inform the court and the court to hold a hearing regarding that capability, during the yearly or biennial review of certain conservatorships.

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**SB 589**

Existing law regulates the terms and conditions of conservatorships and requires a court clerk, if a conservatorship petition is filed by a person other than the proposed conservatee, to issue a citation to the proposed conservatee that includes, among other things, a statement that the proposed conservatee may be disqualified from voting if he or she is incapable of completing an affidavit of voter registration, and a statement that the proposed conservatee will not be disqualified from voting if he or she would need to complete the affidavit by signing it with a mark, cross, or signature stamp, or with the assistance of another person.

Existing law requires a court hearing on a petition for the appointment of a conservator and requires a court investigator, before the court hearing and as part of periodic review after the appointment of the conservator to, among other things, determine if the proposed conservatee is incapable of completing an affidavit of voter registration, as specified, and may be disqualified from voting.

Existing law provides that a conservatee is not disqualified from voting on the basis that he or she would need to complete the affidavit by signing it with a mark, cross, or signature stamp, or with the assistance of another person.

#### **NEW PROVISIONS:**

Authorizes an individual with a disability who is otherwise qualified to vote to complete an affidavit of registration with reasonable accommodations.

Provides a person who has a conservator to be deemed mentally incompetent to vote upon the providing of evidence therefor.

Provides the procedures and requirements which govern a disabled person who is subject to conservatorship, and that person's communicative ability and right to vote.

Makes technical, nonsubstantive changes.

#### **SECTIONS AFFECTED:**

##### **SECTION 1**

*The Legislature finds and declares that federal disability nondiscrimination laws, including Title II of the federal Americans with Disabilities Act of 1990 (Public Law 101-336), entitle people with disabilities to reasonable accommodations, as needed, to participate in public activities such as voting. The Legislature further finds and declares that by explicitly*

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*adding the concept of reasonable accommodation to California laws on voter qualification, this act brings the state into compliance with federal standards.*

**SEC. 2 of the Elections Code, as amended by Section 5 of Chapter 909 of the Statutes of 2014, is amended to read:**

**Amends Elections Code 2102**

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

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

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 ~~(42 U.S.C. Sec. 4973gg)~~ *(52 U.S.C. Sec. 20501 et seq.)* on or before the 15th day ~~prior to~~ *before* the election.

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

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

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

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

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

(d) *An individual with a disability who is otherwise qualified to vote may complete an affidavit of registration with reasonable accommodations as needed.*

(e) *An individual with a disability who is under a conservatorship may be registered to vote if he or she has not been disqualified from voting.*

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**SEC. 3.5 of the Elections Code, as amended by Section 6.5 of Chapter 909 of the Statutes of 2014, is amended to read:**

**Amends Elections Code 2102**

(a) ~~Except as provided in Chapter 4.5, a~~ person shall not be registered as a voter except by affidavit of registration. The affidavit of registration shall be mailed or delivered to the county elections official and shall set forth all of the facts required to be shown by this chapter. A properly executed affidavit of registration shall be deemed effective upon receipt of the affidavit by the county elections official if received on or before the 15th day ~~prior to~~ before an election to be held in the registrant's precinct. A properly executed affidavit of registration shall also be deemed effective upon receipt of the affidavit by the county elections official if any of the following apply:

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

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (~~42 U.S.C. Sec. 1973gg~~ 20501 et seq.) on or before the 15th day ~~prior to~~ before the election.

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

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

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

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

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

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(e) *An individual with a disability who is otherwise qualified to vote may complete an affidavit of registration with reasonable accommodations as needed.*

(f) *An individual with a disability who is under a conservatorship may be registered to vote if he or she has not been disqualified from voting.*

**SEC. 4.5 of the Elections Code, as amended by Section 8 of Chapter 1 of the Statutes of 2009, is amended to read:**  
**Amends Elections Code 2150**

(2) The affiant's name at length, including his or her given name, and a middle name or initial, or if the initial of the given name is customarily used, then the initial and middle name. The affiant's given name may be preceded, at *the* affiant's option, by the designation of ~~Miss, Ms., Mrs., or Mr.~~ *"Miss," "Ms.," "Mrs.," or "Mr."* A person shall not be denied the right to register because of his or her failure to mark a prefix to the given name and shall be so advised on the voter registration card. This subdivision shall not be construed as requiring the printing of prefixes on an affidavit of registration.

(3) The affiant's place of residence, residence telephone number, if furnished, and ~~e-mail~~ *email* address, if furnished. ~~No~~ *A* person shall ~~not~~ be denied the right to register because of his or her failure to furnish a telephone number or ~~e-mail~~ *email* address, and shall be so advised on the voter registration card.

(7) (A) In the case of an ~~applicant~~ *affiant* who has been issued a current and valid driver's license, the ~~applicant's~~ *affiant's* driver's license number.

(B) In the case of any other ~~applicant~~, *affiant*, other than an ~~applicant~~ *affiant* to whom subparagraph (C) applies, the last four digits of the ~~applicant's~~ *affiant's* social security number.

(C) ~~If an applicant for a~~ voter registration *affiant* has not been issued a current and valid driver's license or a social security number, the state shall assign the applicant a number that will serve to identify the ~~applicant~~ *affiant* for voter registration purposes. ~~To the extent that~~ *If* the state has a computerized list in effect under this ~~subdivision~~ *paragraph* and the list assigns unique identifying numbers to registrants, the number assigned under this subparagraph shall be the unique identifying number assigned under the list.

(10) A prior registration portion indicating ~~whether~~ *if* the affiant has been registered at another address, under another name, or as preferring another party. If the affiant has been so registered, he or she shall give an additional statement giving that address, name, or party.

(b) The affiant shall certify the content of the affidavit *of registration* as to its ~~truth~~ *truthfulness* and correctness, under penalty of perjury, with the signature of his or her name and the date of signing. If the affiant is unable to

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~~write~~ write, he or she shall sign with a mark or cross. An affiant who is an individual with a disability may complete the affidavit with reasonable accommodations as needed.

(d) ~~If any person, including a deputy registrar,~~ a person assists the affiant in completing the ~~affidavit,~~ affidavit of registration, that person shall sign and date the affidavit below the signature of the affiant.

(f) The Secretary of State may continue to supply existing affidavits of registration to county elections officials ~~prior to~~ before printing new or revised forms that reflect the changes made to this section by ~~the act that added this subdivision.~~ Chapter 508 of the Statutes of 2007.

**SEC. 5.5 of the Elections Code, as amended by Section 3 of Chapter 619 of the Statutes of 2014, is amended to read:**

**Amends Elections Code 2150**

(2) The affiant's name at length, including his or her given name, and a middle name or initial, or if the initial of the given name is customarily used, then the initial and middle name. The affiant's given name may be preceded, at the affiant's option, by the designation of ~~Miss, Ms., Mrs., or Mr.~~ "Miss," "Ms.," "Mrs.," or "Mr." A person shall not be denied the right to register because of his or her failure to mark a prefix to the given name and shall be so advised on the voter registration card. This subdivision shall not be construed as requiring the printing of prefixes on an affidavit of registration.

(3) The affiant's place of residence, residence telephone number, if furnished, and ~~e-mail~~ email address, if furnished. A person shall not be denied the right to register because of his or her failure to furnish a telephone number or ~~e-mail~~ email address, and shall be so advised on the voter registration card.

(7) (A) In the case of an ~~applicant~~ affiant who has been issued a current and valid driver's license, ~~the applicant's~~ affiant's driver's license number.

(B) In the case of any other ~~applicant,~~ affiant, other than an ~~applicant~~ affiant to whom subparagraph (C) applies, the last four digits of the ~~applicant's~~ affiant's social security number.

(C) ~~If an applicant for a voter registration~~ affiant has not been issued a current and valid driver's license or a social security number, the state shall assign the ~~applicant~~ affiant a number that will serve to identify the ~~applicant~~ affiant for voter registration purposes. ~~To the extent that~~ If the state has a computerized list in effect under this ~~subdivision~~ paragraph and the list assigns unique identifying numbers to registrants, the number assigned under this subparagraph shall be the unique identifying number assigned under the list.

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(b) The affiant shall certify the content of the affidavit *of registration* as to its ~~truth~~ truthfulness and correctness, under penalty of perjury, with the signature of his or her name and the date of signing. If the affiant is unable to ~~write~~ write, he or she shall sign with a mark or cross. An affiant who is an individual with a disability may complete the affidavit with reasonable accommodations as needed.

(d) ~~If a person, including a deputy registrar,~~ person assists the affiant in completing the ~~affidavit,~~ affidavit of registration, that person shall sign and date the affidavit below the signature of the affiant.

(f) The Secretary of State may continue to supply existing affidavits of registration to county elections officials ~~prior to~~ before printing new or revised forms that reflect the changes made to this section ~~by the act that added this subdivision.~~ Chapter 508 of the Statutes of 2007.

### **SEC. 6.5** **Amends Elections Code 2208**

(a) A person is presumed competent to vote regardless of his or her conservatorship status. A person shall be deemed mentally incompetent, and therefore disqualified from voting, if, during the course of any of the proceedings set forth below, the court finds by clear and convincing evidence that the person ~~is not capable of completing an affidavit of voter registration in accordance with Section 2450~~ cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process, and any of the following apply:

(4) A person has ~~plead~~ pleaded not guilty by reason of insanity, has been found to be not guilty pursuant to Section 1026 of the Penal Code, and is deemed to be gravely disabled at the time of judgment as defined in paragraph (2) of subdivision (h) of Section 5008 of the Welfare and Institutions Code.

(b) If the proceeding under the Welfare and Institutions Code is heard by a jury, the jury shall unanimously find by clear and convincing evidence that the person ~~is not capable of completing an affidavit of voter registration~~ cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process before the person shall be disqualified from voting.

(c) If an order establishing a conservatorship is made and in connection with the order it is found by clear and convincing evidence that the person ~~is not capable of completing an affidavit of voter registration,~~ cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process, the court shall forward the order and determination to the ~~county elections official of the person's county of residence.~~ Secretary of State and the county elections official of the person's county of residence in the format prescribed by the Secretary of State.

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(4) Completes the affidavit of voter registration with reasonable accommodations.

**SEC. 7.5**  
**Amends Elections Code 2209**

(a) For conservatorships established pursuant to Division 4 (commencing with Section 1400) of the Probate Code, the court investigator shall, during the yearly or biennial review of the conservatorship as required by Chapter 2 (commencing with Section 1850) of Part 3 of Division 4 of the Probate Code, review the person's capability of ~~completing an affidavit of voter registration in accordance with Section 2150.~~ communicating, with or without reasonable accommodations, a desire to participate in the voting process.

~~(b)(1) If the person had been disqualified from voting by reason of being incapable of completing an affidavit of voter registration, the court investigator shall determine whether the person has become capable of completing the affidavit in accordance with Section 2150 and subdivision (d) of section 2208, and the investigator shall so inform the court~~

~~(2)~~

(b) If the investigator ~~person has been disqualified from voting by reason of being incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, or by reason of being incapable of completing an affidavit of voter registration,~~ the court investigator shall determine if the person continues to be incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, and the investigator shall so inform the court. If the investigator determines that the person continues to be incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, a court hearing on the issue is unnecessary. If the investigator finds that the person is capable of completing the affidavit in accordance with Section 2150 and subdivision (d) of Section 2208, the ~~not incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process,~~ the court shall hold a hearing to determine whether the person is in fact capable of completing the affidavit. If ~~if, by clear and convincing evidence, the person cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process.~~ Unless the person is found to be capable of completing the affidavit, ~~incapable of communicating that desire,~~ the person's right to register to vote shall be restored, and the court shall so notify the ~~county elections official.~~ Secretary of State and the county elections official in the format prescribed by the Secretary of State.

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(c) If the person ~~had~~ has not been found ~~to be incapable of completing an affidavit of voter registration, *incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process,*~~ and the court investigator determines that the person is no longer capable of completing the affidavit in accordance with Section 2150 and subdivision (d) of Section 2208, *communicating that desire,* the investigator shall so notify the court. The court shall hold a hearing to determine ~~whether the person is capable of completing an affidavit of voter registration in accordance with Section 2150 and subdivision (d) of Section 2208. *if, by clear and convincing evidence, the person cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process.*~~ If the court determines that the person is not so able, *cannot communicate that desire,* the court shall order the person to be disqualified from voting pursuant to Section 2208, and the court shall so notify the ~~county elections official. *Secretary of State and the county elections official in the format prescribed by the Secretary of State.*~~

**SEC. 8**  
**Amends Probate Code 1823**

(a) If the petition is filed by a person other than the proposed conservatee, the clerk shall issue a citation directed to the proposed conservatee setting forth the time and place of hearing.

(b) The citation shall ~~include a statement of *state*~~ the legal standards by which the need for a conservatorship is adjudged as stated in Section 1801 and shall state the substance of all of the following:

(3) (A) The proposed conservatee may be disqualified from voting pursuant to Section 2208 of the Elections Code if he or she is ~~not capable of completing an affidavit of voter registration in accordance with Section 2150 of the Elections Code. *incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process.*~~

(B) The proposed conservatee shall not be disqualified from voting on the basis that he or she does, or would need to do, any of the following to complete an affidavit of voter registration:

*(iv) Completes the affidavit of voter registration with reasonable accommodations.*

**SECTION 1. SEC. 9**  
**Amends Probate Code 1826**

*(D)* To the greatest extent practical and taking into account the proposed conservatee's wishes, the proposed conservatee's relatives within the second degree not required to be interviewed under ~~paragraph (3), *subparagraph (C),*~~ neighbors, and, if known, close friends.

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~~(3) Determine whether if~~ it appears that the proposed conservatee is unable to attend the hearing and, if able to attend, whether the proposed conservatee is willing to attend the hearing.

~~(4) Review the allegations of the petition as to why the appointment of the conservator is required and, in making his or her determination, do the following:~~

~~(5) Determine whether if~~ the proposed conservatee wishes to contest the establishment of the conservatorship.

~~(6) Determine whether if~~ the proposed conservatee objects to the proposed conservator or prefers another person to act as conservator.

~~(7) Determine whether if~~ the proposed conservatee wishes to be represented by legal counsel and, if so, whether the proposed conservatee has retained legal counsel and, if not, the name of an attorney the proposed conservatee wishes to retain.

~~(8) (A) Determine whether if~~ the proposed conservatee is ~~not capable of completing an affidavit of voter registration in accordance with Section 2150 of the Elections Code, with or without appropriate assistance, incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process,~~ and may be disqualified from voting pursuant to Section 2208 of the Elections Code.

*(iv) Completes the affidavit of voter registration with reasonable accommodations.*

~~(9) If the proposed conservatee has not retained legal counsel, determine whether if~~ the proposed conservatee desires the court to appoint legal counsel.

~~(10) Determine whether if~~ the appointment of legal counsel would be helpful to the resolution of the matter or is necessary to protect the interests of the proposed conservatee in ~~any a~~ case where the proposed conservatee does not plan to retain legal counsel and has not requested the appointment of legal counsel by the court.

~~(11) Report to the court in writing, at least five days before the hearing, concerning all of the foregoing, including the proposed conservatee's express communications concerning both of the following:~~

~~(A) Representation by legal counsel.~~

~~(2) Whether~~

~~(B) If~~ the proposed conservatee is not willing to attend the hearing, does not wish to contest the establishment of the conservatorship, and does not object to the proposed conservator or ~~prefer~~ prefers that another person act as conservator.

~~(12) Mail, at least five days before the hearing, a copy of the report referred to in subdivision (k) paragraph (11) to all of the following:~~

~~(A) The attorney, if any, for the petitioner.~~

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(B) The attorney, if any, for the proposed conservatee.

(C) The proposed conservatee.

(D) The spouse, registered domestic partner, and relatives within the first degree of the proposed conservatee who are required to be named in the petition for appointment of the conservator, unless the court determines that the mailing will ~~result in harm to~~ harm the conservatee.

(c) The report required by this section is confidential and shall be made available only to parties, persons described in ~~subdivision (f), paragraph (12) of subdivision (a),~~ persons given notice of the petition who have requested this report or who have appeared in the proceedings, their attorneys, and the court. The court has discretion at any other time to release the report, if it would serve the interests of the conservatee. The clerk of the court shall provide for the limitation of the report exclusively to persons entitled to its receipt.

(d) This section does not apply to a proposed conservatee who has personally executed the petition for conservatorship, or ~~one a proposed conservatee~~ who has nominated his or her own conservator, if he or she attends the hearing.

(e) If the court investigator has performed an investigation within the preceding six months and furnished a report thereon to the court, the court may order, upon good cause shown, that another investigation is not necessary or that a more limited investigation may be performed.

~~(g) Any~~

(f) An investigation by the court investigator related to a temporary conservatorship also may be a part of the investigation for the general petition for conservatorship, but the court investigator shall make a second visit to the proposed conservatee and the report required by this section shall include the effect of the temporary conservatorship on the proposed conservatee.

(g) The Judicial Council shall, on or before January 1, 2009, adopt rules of court and Judicial Council forms as necessary to implement an expedited procedure to authorize, by court order, a proposed conservatee's health care provider to disclose confidential medical information about the proposed conservatee to a court investigator pursuant to federal medical information privacy regulations promulgated under the federal Health Insurance Portability and Accountability Act of ~~1996~~, 1996 (Public Law 104-191).

## **SEC. 10**

### **Amends Probate Code 1828**

(a) Except as provided in subdivision (c), ~~prior to~~ before the establishment of a conservatorship of the person or estate, or both, the court shall inform the proposed conservatee of all of the following:

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](http://www.leginfo.ca.gov)

SB 589

(1) The nature and purpose of the proceeding.

(2) The establishment of a conservatorship is a legal adjudication of the conservatee's inability ~~properly to~~ to properly provide for the conservatee's personal needs or to manage the conservatee's own financial resources, or both, depending on the allegations made and the determinations requested in the petition, and the effect of such an adjudication on the conservatee's basic rights.

(3) (A) The proposed conservatee may be disqualified from voting pursuant to Section 2208 of the Elections Code if he or she is ~~not capable of completing an affidavit of voter registration in accordance with Section 2150 of the Elections Code.~~ incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process.

(iv) Completes the affidavit of voter registration with reasonable accommodations.

### **SEC. 11**

#### **Amends Probate Code 1851**

(a) (1) If court review is required pursuant to Section 1850, the court investigator shall, without prior notice to the conservator except as ordered by the court for necessity or to prevent harm to the conservatee, visit the conservatee. The court investigator shall inform the conservatee personally that the conservatee is under a conservatorship and shall give the name of the conservator to the conservatee. The court investigator shall determine all of the following:

(A) ~~Whether~~ If the conservatee wishes to petition the court for termination of the conservatorship.

(B) ~~Whether~~ If the conservatee is still in need of the conservatorship.

(C) ~~Whether~~ If the present conservator is acting in the best interests of the conservatee. In determining ~~whether~~ if the conservator is acting in the best interests of the conservatee, the court investigator's evaluation shall include an examination of the conservatee's placement, the quality of care, including physical and mental treatment, and the conservatee's finances. To the extent practicable, the investigator shall review the accounting with a conservatee who has sufficient capacity. To the greatest extent possible, the court investigator shall interview individuals set forth in paragraph (1) of subdivision (a) of Section 1826, in order to determine if the conservator is acting in the best interests of the conservatee.

(D) (i) ~~Whether the conservatee is not capable of completing an affidavit of voter registration in accordance with Section 2150 of the Elections Code~~ If the conservatee is incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process and

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may be disqualified from voting pursuant to Section 2208 or 2209 of the Elections Code.

(ii) The conservatee shall not be disqualified from voting on the basis that he or she does, or would need to do, any of the following to complete an affidavit of voter registration:

(IV) Completes the affidavit of voter registration with reasonable accommodations.

(2) If the court has made an order under Chapter 4 (commencing with Section 1870), the court investigator shall determine ~~whether~~ if the present condition of the conservatee is such that the terms of the order should be modified or the order revoked.

(b) (1) The findings of the court investigator, including the facts upon which the findings are based, shall be certified in writing to the court not less than 15 days ~~prior to~~ before the date of review. A copy of the report shall be mailed to the conservator and to the attorneys of record for the conservator and conservatee at the same time it is certified to the court. A copy of the report, modified as set forth in paragraph (2), also shall be mailed to the conservatee's spouse or registered domestic partner, the conservatee's relatives in the first degree, and if there are no such relatives, to the next closest relative, unless the court determines that the mailing ~~will result in harm to~~ harm the conservatee.

(c) In the case of a limited conservatee, the court investigator shall ~~make a recommendation regarding the continuation or termination of~~ recommend continuing or terminating the limited conservatorship.

(d) The court investigator may personally visit the conservator and other persons as may be necessary to determine ~~whether~~ if the present conservator is acting in the best interests of the conservatee.

(e) The report required by this section shall be confidential and shall be made available only to parties, persons described in subdivision (b), persons given notice of the petition who have requested the report or who have appeared in the proceeding, their attorneys, and the court. The court shall have discretion at any other time to release the report if it would serve the interests of the conservatee. The clerk of the court shall ~~make provision for limiting~~ limit disclosure of the report exclusively to persons entitled ~~thereto~~ to the report under this section.

~~(f) The amendments made to this section by the act adding this subdivision shall become operative on July 1, 2007.~~

~~(g)~~

(f) A superior court shall not be required to perform any duties imposed pursuant to the amendments to this section enacted by Chapter 493 of the Statutes of 2006 until the Legislature makes an appropriation identified for this purpose.

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**SEC. 12**

**Amends Probate Code 1910**

(a) If the court determines the conservatee is ~~not capable of completing an affidavit of voter registration in accordance with Section 2150 of the Elections Code,~~ incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process, the court shall by order disqualify the conservatee from voting pursuant to Section 2208 or 2209 of the Elections Code.

(b) The conservatee shall not be disqualified from voting on the basis that he or she does, or would need to do, any of the following to complete an affidavit of voter registration:

(4) *Completes the affidavit of voter registration with reasonable accommodations.*

**SEC. 13**

(a) *Section 3.5 of this bill incorporates amendments to Section 2102 of the Elections Code, as amended by Section 6.5 of Chapter 909 of the Statutes of 2014, proposed by both this bill and Assembly Bill 1461. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2016, (2) each bill amends Section 2102 of the Elections Code, as amended by Section 6.5 of Chapter 909 of the Statutes of 2014, and (3) this bill is enacted after Assembly Bill 1461, in which case Section 3 of this bill shall not become operative.*

(b) *Section 4.5 of this bill incorporates amendments to Section 2150 of the Elections Code, as amended by Section 8 of Chapter 1 of the Statutes of 2009, proposed by both this bill and Assembly Bill 1020. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2016, (2) each bill amends Section 2150 of the Elections Code, as amended by Section 8 of Chapter 1 of the Statutes of 2009, and (3) this bill is enacted after Assembly Bill 1020, in which case Section 4 of this bill shall not become operative.*

(c) *Section 5.5 of this bill incorporates amendments to Section 2150 of the Elections Code, as amended by Section 3 of Chapter 619 of the Statutes of 2014, proposed by both this bill and Assembly Bill 1020. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2016, (2) each bill amends Section 2150 of the Elections Code, as amended by Section 3 of Chapter 619 of the Statutes of 2014, and (3) this bill is enacted after Assembly Bill 1020, in which case Section 5 of this bill shall not become operative.*

(d) *Section 6.5 of this bill incorporates amendments to Section 2208 of the Elections Code proposed by both this bill and Assembly Bill 1020. It shall only become operative if (1) both bills are enacted and become effective*

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on or before January 1, 2016, (2) each bill amends Section 2208 of the Elections Code, and (3) this bill is enacted after Assembly Bill 1020, in which case Section 6 of this bill shall not become operative.

(e) Section 7.5 of this bill incorporates amendments to Section 2209 of the Elections Code proposed by both this bill and Assembly Bill 1020. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2016, (2) each bill amends Section 2209 of the Elections Code, and (3) this bill is enacted after Assembly Bill 1020, in which case Section 7 of this bill shall not become operative.

**SEC. 14**

*No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act implements a federal law or regulation and results only in costs mandated by the federal government, within the meaning of Section 17556 of the Government Code.*

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

## Section Four

### VETOED BILLS

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<b><u>BILL NO.</u></b>	<b><u>AUTHOR</u></b>	<b><u>SUBJECT</u></b>	<b><u>DATE</u></b>
<a href="#"><u>AB 182</u></a>	Alejo	California Voting Rights Act of 2001	10/10/2015
<a href="#"><u>AB 254</u></a>	Hernandez R	Election Dates	10/01/2015
<a href="#"><u>AB 562</u></a>	Holden	Elections: Ballots	10/10/2015
<a href="#"><u>AB 1301</u></a>	Jones-Sawyer	Voting Rights Preclearance	10/10/2015

Total Count: 4

## Section Four

### VETOED MESSAGES

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**BILL NUMBER:** California Assembly Bill No. 182

**VETOED DATE:** October 10, 2015

To the Members of the California State Assembly:

I am returning Assembly Bill 182 without my signature.

This bill would apply the rules governing at-large elections in the California Voting Rights Act to challenges related to district-based elections.

I vetoed a similar bill last year, SB 1365 (Padilla), and my views have not changed. I believe the federal Voting Rights Act and the California Voting Rights Act provide important and sufficient safeguards to ensure that the electoral strength of minority voters is protected.

Sincerely,

Edmund G. Brown Jr.

**BILL NUMBER:** California Assembly Bill No. 254

**VETOED DATE:** October 01, 2015

To the Members of the California State Assembly:

I am returning Assembly Bill 254 without my signature.

This bill would eliminate two currently authorized off-cycle election dates from state law.

Earlier this year I signed SB 415 which will consolidate most off-cycle local elections with established statewide elections, with certain exceptions.

While I share the author's desire to boost turnout in local elections, I am hesitant to restrict local governments from availing themselves of the full election authority contained in SB 415.

Sincerely,

Edmund G. Brown Jr.

**BILL NUMBER:** California Assembly Bill No. 562

**VETOED DATE:** October 10, 2015

To the Members of the California State Assembly:

I am returning Assembly Bill 562 without my signature.

This bill would move the Superintendent of Public Instruction to a new stand-alone category entitled "STATEWIDE EDUCATION" near the top of statewide ballots, instead of under the current heading of "SCHOOL," along with other education officials.

Just as the Chief Justice is placed with all other judicial candidates -- both local and regional -- on the ballot, it stands to reason that the Superintendent of Public Instruction should be placed with all other educational candidates.

The current ballot order has existed with minimal changes for decades, and I don't think there is a good reason to change it now.

Sincerely,

Edmund G. Brown Jr.

**BILL NUMBER:** California Assembly Bill No. 1301

**VETOED DATE:** October 10, 2015

To the Members of the California State Assembly:

I am returning Assembly Bill 1301 without my signature.

This bill would establish a state "pre-clearance" system under which certain political subdivisions are required to obtain approval from the Secretary of State before implementing policy changes related to elections.

While I agree that the impairment of key provisions in the federal Voting Rights Act deserves a national remedy, I am unconvinced that a California-only pre-clearance system is needed.

Sincerely,

Edmund G. Brown Jr.

## Section Five

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