

Date of Hearing: April 13, 2016

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Shirley Weber, Chair

AB 2089 (Quirk) – As Amended March 17, 2016

SUBJECT: Vote by mail ballots: voter notification.

SUMMARY: Requires a county elections official to notify a voter if his or her vote by mail (VBM) ballot was not counted.

EXISTING LAW:

- 1) Provides that a VBM ballot must be received by the elections official from whom it was obtained, or by a precinct board in that jurisdiction, no later than the close of polls on election day in order for that ballot to be counted.
- 2) Requires a VBM ballot identification envelope to include specified information, including the following:
 - a) A declaration, under penalty of perjury, stating that the voter resides within the precinct in which he or she is voting and is the person whose name appears on the envelope;
 - b) The signature of the voter;
 - c) The residence address of the voter as shown on the affidavit of registration; and,
 - d) The date of signing.
- 3) Requires a county elections official, upon receiving a VBM ballot, to compare the signatures on the envelope with either of the following:
 - a) The signature appearing on the voter's affidavit of registration or any previous affidavit of registration of the voter; or,
 - b) The signature appearing on a form issued by an elections official that contains the voter's signature and that is part of the voter's registration record.
- 4) Permits a county elections official to use facsimiles of voters' signatures when determining if the signatures match provided that the method of preparing and displaying the facsimiles complies with existing law.
- 5) Requires the elections official, if it is determined that the signatures compare, to deposit the ballot, still in the identification envelope, in a ballot container.
- 6) Provides that if the ballot is rejected because the signatures do not compare, the envelope shall not be opened and the ballot shall not be counted. Requires the cause of the rejection to be written on the face of the identification envelope.

- 7) Prohibits a variation of a signature caused by the substitution of initials for the first or middle name, or both, to be grounds for the elections official to determine that the signatures do not compare.
- 8) Authorizes an elections official, in comparing signatures, to use signature verification technology. Prohibits an elections official, if the signature verification technology determines the signatures does not compare, from rejecting the ballot unless he or she visually examines the signatures and verifies that the signatures do not compare.
- 9) Allows VBM ballots to be counted if they are cast by election day and received by the elections official by mail no later than three days after the election, as specified.
- 10) Requires the county elections official to establish a free access system that allows a VBM voter to learn whether his or her VBM ballot was counted and, if not, the reason why the ballot was not counted. Requires the elections official to make the free access system available to a VBM voter upon the completion of the official canvass and for 30 days thereafter.

FISCAL EFFECT: Unknown. State-mandated local program; contains reimbursement direction.

COMMENTS:

- 1) **Purpose of the Bill:** According to the author:

In California, a majority of voters in a general election cast their ballots by mail. Fifty-one percent of Californians who voted in the November 2012 election, voted by mail. Unfortunately, 59,370 vote-by-mail ballots were not counted by county registrars throughout the state during the November 2012 election.

Assembly Bill 2089 requires election officials to notify voters when their ballot was not counted in the last election cycle. The local election officials will be permitted to come up with the best notification process that would be the best fit for their area.

In California, we have a reputation for setting the right precedent for the nation; AB 2089 will continue this legacy.

- 2) **What Happened to MY Ballot?** The California Voter Foundation explored VBM voting in California in their 2014 report "*Improving California's Vote-by-Mail Process: A Three-County Study*" in which they studied four elections taking place in Orange, Sacramento and Santa Cruz counties from 2008-2012. In their study they found three primary reasons that VBM ballots went uncounted in California elections:
 - a) 61 percent of the uncounted ballots arrived late;
 - b) 20 percent were lacking a signature; and,
 - c) 18 percent arrived with a signature on the envelope that did not match the one on the voter's affidavit of registration.

- 3) **State Mandates:** The Governor's proposed 2016-2017 State Budget includes the suspension of various state mandates as a mechanism for cost savings. Included in the list of possible suspensions are elections mandates, which have also been suspended in each of the last five budgets. The Committee may wish to consider whether it is desirable to create additional election mandates on counties, when current mandates are under consideration of suspension.
- 4) **Previous Legislation:** SB 589 (Hill), Chapter 280, Statutes of 2013, enacted provisions to require elections officials to establish a free access system by which a VBM voter may learn whether his or her ballot was counted and, if not, the reason why it was not counted.

SB 1725 (Bowen) Chapter 687, Statutes of 2006, enacted provisions requiring elections officials to establish procedures to ensure the security, confidentiality, and integrity of any personal information collected stored or otherwise used in tracking VBM ballots.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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