

Date of Hearing: April 1, 2014

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 1589 (Frazier) – As Introduced: February 3, 2014

SUBJECT: Military or overseas voters: electronic ballots.

SUMMARY: Deletes provisions of law that require a military or overseas voter's electronic mail address to expire no later than December 31 of the year following the calendar year of the application and instead requires an elections official to provide for electronic delivery of a ballot to a military or overseas voter who makes a standing request for all elections conducted in the jurisdiction in which he or she is eligible to vote.

EXISTING LAW:

- 1) Requires each elections official to have a system available which allows a military or overseas voter to electronically request and receive a vote by mail (VBM) application, an unvoted ballot, and other information.
- 2) Requires elections officials to request an electronic mail address from each military or overseas voter who registers, as specified. Permits a military or overseas voter who provides an email address to request that his or her application for a ballot be considered a standing request for electronic delivery of a ballot for all elections held through December 31 of the year following the calendar year of the date of the application or another shorter period as specified by the voter.
- 3) Requires elections officials to send VBM ballots by means of transmission (mail, facsimile, or electronic transmission) requested by a qualified military or overseas voter.

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

COMMENTS:

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

Members of the military and other U.S. citizens living overseas are allowed to receive their voter information and blank, unvoted ballots by mail, fax, or email. For voters who request their ballot by mail or by fax, that request is considered to be a standing request for each election until such time that the voter changes their preference or does not vote in a certain number of regularly scheduled statewide elections.

However, voters who request their ballot be emailed to them are treated differently because under state law, a voter's request to receive a ballot by email is only good for two years. Only military and overseas voters who request their ballot by email are subject to this "expiration" of their ballot delivery address.

For some members of the U.S. military serving overseas, an email address may be their most effective method of contact with an elections official. If state law continues to require that the email addresses of overseas soldiers must be renewed every two years, it is likely that some of the people who put their lives on the line for democracy will be disenfranchised when their email address expires. No other address provided for ballot delivery automatically expires unless that expiration is specifically requested by the voter.

AB 1589 removes the “email expiration” language from state law, allowing a request for ballot delivery to stand for as long as the military or overseas voter is eligible for email delivery of their ballot. It simply makes no sense to disenfranchise the brave men and women serving our country overseas with a rule that makes it more difficult for them to receive and cast their ballots in a timely fashion.

- 2) Background: In 2012, the Legislature passed and the Governor signed AB 1805 (Huffman), Chapter 744, Statutes of 2012, which was a uniform law that established new voting procedures for military and overseas voters and was written in a way that it could be applicable in multiple states that have different election procedures. AB 1805 was an effort to address the lack of uniformity between states regarding the ability of overseas and military voters to vote in state and local elections, which complicates efforts to more fully enfranchise those voters. However, applying a uniform law across states can be complicated and unintended consequences can occur. This bill seeks to address such a situation and address a uniform provision of law that could unintentionally result in the disenfranchisement of military or overseas voters.

This bill eliminates a provision of law that requires a military and overseas voter to renew his or her request to receive voter information and a blank, unvoted ballot by email every two years. Under existing law, a military or overseas voter that requests his or her ballot be transmitted via mail or facsimile is not subject to the same requirements. As a result, if a military or overseas voter requests that his or her ballot be received via mail or facsimile, that request is considered to be a standing request for each election until such time that the voter changes their preference or does not vote in a certain number of regularly scheduled statewide elections, as specified. Prior to the passage of AB 1805 state law did not require an expiration date to apply to requests to receive a VBM ballot via electronic transmission. This bill, which eliminates the requirement for a military or overseas voter to renew their request to receive a VBM ballot via email every two years, will ensure all requests from military and overseas voters to receive VBM ballots are treated the same.

- 3) Arguments in Support: The sponsor of this bill, Secretary of State Debra Bowen, writes:

Californians in the military or living overseas are eligible to vote when they are serving or living out of the country. Many military and overseas voters, especially those who are serving in combat, do not have a stable physical address where they can receive their ballots. Due to the challenges these voters face in receiving mail in a timely fashion, California law allows them to receive their voter information and unvoted ballot by mail, fax, or electronic mail (email).

However, voters who request their ballot be emailed to them are treated differently than

other voters because under state law, a voter's request to receive a ballot by email is good for only two years. Only military and overseas voters who request their ballot by email are subject to this "expiration" of their ballot delivery address. There is no reason California should risk disenfranchising an overseas member by treating him or her differently than other voters.

REGISTERED SUPPORT / OPPOSITION:

Support

Secretary of State Debra Bowen (sponsor)

Opposition

None on file.

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