

Date of Hearing: May 7, 2013

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 530 (Quirk-Silva) – As Introduced: February 20, 2013

SUBJECT: Vote by mail ballots: telephone applications.

SUMMARY: Permits a local elections official to allow a voter to apply for a vote by mail (VBM) ballot by telephone. Specifically, this bill allows local elections officials to offer voters the ability to apply for a VBM ballot by telephone subject to the following provisions:

- 1) The applicant must provide to the elections official personal identifying information that matches the information contained on the applicant's affidavit of registration, including first and last name, home address, and date of birth. The applicant's signature is not required for applications received by telephone.
- 2) Except as otherwise provided, all provisions governing written applications for VBM ballots apply to applications for VBM ballots made by telephone.

EXISTING LAW provides that an application for a VBM voter's ballot shall be made in writing to the elections official having jurisdiction over the election between the 29th and the seventh day prior to the election. The application shall be signed by the applicant and show his or her place of residence.

FISCAL EFFECT: Keyed non-fiscal by the Legislative Counsel.

COMMENTS:

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

California law currently allows a voter to request a vote by mail (VBM) ballot by completing an application provided by the local elections official, using a uniform electronic application provided through the Secretary of State's website, or by applying through the local election official's website. However, application by telephone is not permitted.

Increasing participation and accessibility to voting is an imperative for any democratic society. Polls consistently indicate that the largest stated reason for not voting is an inability to find the time. By not allowing applications for VBM ballots by telephone, voters without internet access either [must] go to the local elections office or call to request that a paper application be mailed to them. These extra steps take more time than other methods, cost more money to administer, and are barriers to VBM voting.

AB 530 removes barriers to vote by mail application for those without internet access by allowing citizens to apply using a more ubiquitous technology, the telephone. The bill also maintains our current standards of protection against voter fraud by placing the same requirements for telephone applicants that currently exist for those who apply online through a local election official's secure website. AB 530 also may save money for local

election officials by allowing them to accept applications directly over the telephone instead of using the more costly method of mailing an application and receiving it by return mail before entering the information into their election management system.

- 2) Argument in Support: The California Association of Clerks and Election Officials write in support:

Existing law requires a voter to submit a written application for [a] vote by mail ballot, which shall include the name, residence address and signature of the voter, an address where the ballot is to be mailed if different from the residence, and the name and date of the election which the ballot is being requested. This legislation would allow the voter to make an application for a vote by mail ballot over the telephone, as long as the same information as required on the written application is provided and matches the voter's record.

This legislation will prove to be convenient and potentially enfranchise voters requesting a ballot close to the deadline, enabling voters to call from outside of the state or out of the county to obtain vote by mail voter status. Ballots must be canvassed in the same manner as all other vote by mail ballots, requiring the election official to compare the voters' signature on the return envelope to the voter's registration record before the ballot is counted. Ballots where signatures do not compare cannot be counted.

- 3) Electronic Application for VBM Ballots: AB 2277 (Keeley), Chapter 753, Statutes of 2002, requires the Secretary of State to provide local elections officials with a uniform electronic application format for VBM ballots and gives local elections officials the option of allowing voters to apply for VBM ballots electronically.
- 4) Previous Legislation: AB 2154 (Solorio) of 2010, was substantially similar to this bill. AB 2154 was vetoed by Governor Schwarzenegger, who expressed concern that it could open the VBM ballot application process to fraud.

AB 84 (Hill) of 2009, would have required elections officials to establish procedures to allow a VBM voter to find out whether his or her VBM ballot was counted, and if not, the reason why it was not counted. AB 84 was vetoed by Governor Schwarzenegger, who expressed concern that it could result in additional costs to local governments. AB 2964 (Levine) of 2008, which was substantially similar to AB 84 was also vetoed by Governor Schwarzenegger, though the Governor did not express any policy objections to the bill.

SB 1725 (Bowen), Chapter 687, Statutes of 2006, requires elections officials to establish procedures by March 1, 2008, to track and confirm the receipt of voted VBM ballots and to make this information available by online access using the county's elections division website, or if none is available, by means of a toll-free telephone number.

REGISTERED SUPPORT / OPPOSITION:

Support

Secretary of State Debra Bowen (Sponsor)
California Association of Clerks and Election Officials
California State Council of the Service Employees International Union

Opposition

None on file.

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