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AB-837 No party preference voters: partisan primary elections. (2017-2018)

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Date Published: 10/16/2017 02:00 PM

Assembly Bill No. 837

CHAPTER 819

An act to amend Section 14105 of, to add Sections 14105.2 and 14227.5 to, and to add Chapter 6 (commencing with Section 13500) to Division 13 of, the Elections Code, relating to elections.

[Approved by Governor October 15, 2017. Filed with Secretary of State October 15, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 837, Low. No party preference voters: partisan primary elections.

Existing law requires a voter to disclose a preference for a political party in order to participate in the political party's primary election. Existing law permits a voter who has declined to disclose a political party preference to request the ballot of a political party at a partisan primary election if the political party, by party rule duly noticed to the Secretary of State, authorizes a voter who has declined to disclose a political party preference to vote the ballot of the political party at that election. Existing law requires the voter registration card, the vote by mail application, and the state voter information guide to notify voters that a voter is not entitled to vote the ballot of a political party at a partisan primary election unless he or she has disclosed a preference for the political party or he or she has declined to disclose a political party preference and the political party has authorized a voter who has declined to disclose a preference to vote its ballot.

Existing law generally requires the Secretary of State to prepare certain election materials. Existing law requires an elections official to furnish the precinct officers with specified supplies for an election.

This bill would require the Secretary of State, a county elections official, and the members of a precinct board to provide information to voters, as specified, relating to the ability of a voter who has declined to disclose a political party preference to vote a political party's ballot at a partisan primary election. The bill would require the Secretary of State and a county elections official to prepare and print specified notices and other materials.

By imposing additional duties on local elections officials, this bill would impose a state-mandated local program.

This bill would incorporate additional changes to Section 14105 of the Elections Code proposed by SB 286 to be operative only if this bill and SB 286 are enacted and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 6 (commencing with Section 13500) is added to Division 13 of the Elections Code, to read:

CHAPTER 6. Partisan Primary Elections

13500. This chapter applies only to partisan primary elections.

13501. (a) The Secretary of State shall include in the state voter information guide the information specified in subdivision (a) of Section 9083.5, including a statement explaining that a voter who has declined to disclose a political party preference may not vote in a political party's primary election unless the political party has authorized a voter who has declined to disclose a political party preference to vote in its primary election.

(b) The Secretary of State shall make all of the following information available on the Secretary of State's Internet Web site:

(1) A statement that a voter who has declined to disclose a political party preference may vote in a political party's partisan primary election if the political party, by party rule duly noticed to the Secretary of State, authorizes a voter who has declined to disclose a political party preference to vote in the next ensuing partisan primary election.

(2) The name of each political party that authorizes a voter who has declined to disclose a political party preference to vote in the partisan primary election.

(3) A statement that a voter who has declined to disclose a political party preference may request the ballot of one of the political parties that authorizes a voter who has declined to disclose a political party preference to vote in the partisan primary election.

(c) A county elections official shall include all of the information described in paragraphs (1) to (3), inclusive, of subdivision (b) in the nonpartisan county voter information guide prepared pursuant to Section 13300 and shall make the information available on the official's Internet Web site. In addition, the county elections official shall send an email to the email address of a voter who has declined to disclose a political party preference notifying the voter that he or she may request a political party's ballot at the next ensuing partisan primary election if the political party has so authorized. The county elections official shall also provide the notice to a voter who has declined to disclose a political party preference by text message if the voter has provided written consent to receive text messages from the county elections official.

13502. (a) With each nonpartisan vote by mail ballot that is sent to a voter who has declined to disclose a political party preference, the county elections official shall include a notice informing the voter that he or she may request a political party's ballot at the next ensuing partisan primary election if the political party has so authorized.

(b) In addition to any other method permitted by law, a voter who has declined to disclose a political party preference may request the ballot of a political party that has authorized a voter who has declined to disclose a political party preference to vote in its partisan primary election as follows:

(1) In his or her vote by mail application pursuant to subdivision (c) of Section 3006.

(2) By telephone pursuant to Section 3007.8.

(3) Over the Internet if available pursuant to Section 3007.7.

(4) By email or by facsimile transmission if permitted by the county elections official.

(c) No later than seven days before the date of a partisan primary election, a voter who has declined to disclose a political party preference and who has received a nonpartisan vote by mail ballot may return his or her unvoted ballot to the county elections official and request and receive the ballot for a political party if the political party has authorized a voter who has declined to disclose a political party preference to vote in its partisan primary election.

SEC. 2. Section 14105 of the Elections Code is amended to read:

14105. The elections official shall furnish to the precinct officers all of the following:

(a) Printed copies of the indexes.

(b) Necessary printed blanks for the roster, tally sheets, lists of voters, declarations, and returns.

(c) Envelopes in which to enclose returns.

(d) Not fewer than 6 nor more than 12 instruction cards to each precinct for the guidance of voters in obtaining and marking their ballots. On each card shall be printed necessary instructions and the provisions of Sections 14225, 14279, 14280, 14287, 14291, 14295, 15271, 15272, 15273, 15276, 15277, 15278, 18370, 18380, 18403, 18563, and 18569.

(e) A digest of the election laws with any further instructions the county elections official may desire to make.

(f) An American flag of sufficient size to adequately assist the voter in identifying the polling place. The flag is to be erected at or near the polling place on election day.

(g) A ballot container, properly marked on the outside indicating its contents.

(h) When it is necessary to supply additional ballot containers, these additional containers shall also be marked on the outside, indicating their contents.

(i) Sufficient ink pads and stamps for each booth. The stamps shall be one solid piece and shall be made so that a cross (+) may be made with either end. If ballots are to be counted by vote tabulating equipment, an adequate supply of other approved voting devices shall be furnished. All voting stamps or voting devices shall be maintained in good, usable condition.

(j) When a candidate or candidates have qualified to have his or her or their names counted pursuant to Article 3 (commencing with Section 15340) of Chapter 4 of Division 15, a sufficient number of ink pens or pencils in the voting booths for the purpose of writing in on the ballot the name of the candidate or candidates.

(k) A sufficient number of cards to each polling place containing the telephone number of the office to which a voter may call to obtain information about his or her precinct location. The card shall state that the voter may call collect during polling hours.

(l) An identifying badge or insignia for each member of the precinct board. The member shall print his or her name and the precinct number on the badge or insignia, and shall wear the badge or insignia at all times in the performance of duties, so as to be readily identified as a member of the precinct board by all persons entering the polling place.

(m) Facsimile copies of the ballot containing ballot measures and ballot instructions printed in Spanish or other languages as provided in Section 14201.

(n) Sufficient copies of the notices to be posted on the indexes used at the polls. The notice shall read as follows: "This index shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14297 of the Elections Code. Any person who removes, tears, marks, or otherwise defaces this index with the intent to falsify or prevent others from readily ascertaining the name, address, or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor."

(o) A roster of voters for each precinct in the form prescribed in Section 14107.

(p) In addition, the elections official may, with the approval of the board of supervisors, furnish the original books of affidavits of registration or other material necessary to verify signatures to the precinct officers.

(q) Printed copies of the Voter Bill of Rights, as supplied by the Secretary of State. The Voter Bill of Rights shall be conspicuously posted both inside and outside every polling place.

(r) For a partisan primary election, printed copies of the posters or other materials described in Section 14105.2. The posters or other materials shall be conspicuously posted both inside and outside every polling place.

SEC. 2.5. Section 14105 of the Elections Code is amended to read:

14105. The elections official shall furnish to each polling place all of the following:

(a) At least one accessible copy of the voter list.

(b) Necessary printed blanks for the roster, tally sheets, voter list, declarations, and returns.

(c) Not fewer than 6 nor more than 12 instruction cards to each polling place for the guidance of voters in obtaining and marking their ballots. On each card shall be printed necessary instructions and the provisions of Sections 14225, 14279, 14280, 14287, 14291, 14295, 15271, 15272, 15273, 15276, 15277, 15278, 18370, 18380, 18403, 18563, and 18569.

(d) A digest of the election laws with any further instructions the county elections official may desire to make.

(e) An American flag of sufficient size to adequately assist the voter in identifying the polling place. The flag is to be erected at or near the polling place.

(f) A ballot container, properly marked on the outside indicating its contents. If it is necessary to supply additional ballot containers, these additional containers shall also be marked on the outside indicating their contents.

(g) At least one copy of the certified write-in list, if applicable.

(h) A sufficient number of cards to each polling place containing the telephone number of the office to which a voter may call to obtain information about his or her polling place. The card shall state that the voter may call collect during polling hours.

(i) An identifying badge or insignia for each member of the precinct board. The member shall print his or her name on the badge or insignia, and shall wear the badge or insignia at all times in the performance of duties, so as to be readily identified as a member of the precinct board by all persons entering the polling place.

(j) Facsimile copies of the ballot containing ballot measures and ballot instructions printed in Spanish or other languages as provided in Section 14201.

(k) Sufficient copies of the notices to be posted on the voter list used at the polls. The notice shall read as follows: "This voter list shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14297. Any person who removes, tears, marks, or otherwise defaces this voter list with the intent to falsify or prevent others from readily ascertaining the name, address, or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor."

(l) A roster for each polling place in the form prescribed in Section 14107.

(m) Printed copies of the Voter Bill of Rights, as supplied by the Secretary of State. The Voter Bill of Rights shall be conspicuously posted both inside and outside every polling place.

(n) For a partisan primary election, printed copies of the posters or other materials described in Section 14105.2. The posters or other materials shall be conspicuously posted both inside and outside every polling place.

SEC. 3. Section 14105.2 is added to the Elections Code, to read:

14105.2. (a) For a partisan primary election, the Secretary of State shall prepare and print posters or other materials that contain all of the following information:

(1) A statement that a voter who has declined to disclose a political party preference may vote in a political party's partisan primary election if the political party, by party rule duly noticed to the Secretary of State, authorizes a voter who has declined to disclose a political party preference to vote in the next ensuing partisan primary election.

(2) The name of each political party that authorizes a voter who has declined to disclose a political party preference to vote in the partisan primary election.

(3) A statement that a voter who has declined to disclose a political party preference may request the ballot of one of the political parties that authorizes a voter who has declined to disclose a political party preference to vote in the partisan primary election.

(b) The Secretary of State shall supply the posters or other materials described in subdivision (a) to each elections official who shall furnish the materials to the precinct officers pursuant to Section 14105.

SEC. 4. Section 14227.5 is added to the Elections Code, to read:

14227.5. (a) At a partisan primary election, before providing a voter who has declined to disclose a political party preference with a nonpartisan ballot or before the voter enters the voting booth, as applicable, a member of the precinct board shall provide a uniform notification to the voter informing him or her that he or she may request a political party's ballot and the name of each political party that has authorized a voter who has declined to disclose a political party preference to vote in its ballot.

(b) A county elections official shall train the members of a precinct board regarding their duties under subdivision (a).

SEC. 5. Section 2.5 of this bill incorporates amendments to Section 14105 of the Elections Code proposed by both this bill and Senate Bill 286. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2018, (2) each bill amends Section 14105 of the Elections Code, and (3) this bill is enacted after Senate Bill 286, in which case Section 2 of this bill shall not become operative.

SEC. 6. 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.