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**AB-292 Primary elections: ballots.** (2023-2024)

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Date Published: 10/12/2023 02:00 PM

**Assembly Bill No. 292**

**CHAPTER 646**

An act to amend Section 13502 of, and to add Section 13502.5 to, the Elections Code, relating to elections.

[ Approved by Governor October 10, 2023. Filed with Secretary of State October 10, 2023. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 292, Pellerin. Primary elections: ballots.

(1) Existing law prohibits a voter who has declined to disclose a political party preference from voting in a particular party's primary election, including a presidential primary election, unless the party has authorized such a voter to vote in that party's primary election.

This bill would require, for any nonpartisan ballot provided to a voter who has declined to disclose a political party preference for use in a presidential primary election, that the ballot provide specified information regarding how a voter may request and vote a partisan ballot.

(2) Existing law requires a county elections official, prior to each partisan primary election, to mail to every voter who has declined to disclose a political party preference a notice and application by which the voter can request a vote by mail ballot of a party that has authorized such voters to vote in its primary election. Existing law specifies other means by which a voter who has declined to disclose a political party preference can request the ballot of a political party that has authorized such a voter to vote in its primary election.

This bill would require the above-described application to contain a list of political parties that have authorized a voter who has declined to disclose a political party preference to vote in that party's primary election, along with a box next to each party's name for the voter to mark to request a vote by mail ballot for that party. The bill would authorize such a voter to request a party's ballot by text message to the appropriate elections official, if the county has established a system for processing such a request. The bill would also require a voter requesting another party's ballot to provide specified personal identifying information.

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

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.** Section 13502 of the Elections Code is amended to read:

**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 the voter may request a political party's ballot at the next ensuing partisan primary election if the political party has so authorized.

(b) Prior to each partisan primary election, county elections officials shall mail to every voter who has declined to disclose a political party preference a notice and application regarding voting in the primary election.

(1) The notice shall inform the voter that the voter may request a vote by mail ballot for a particular political party for the primary election, if that political party adopted a party rule, duly noticed to the Secretary of State, authorizing these voters to vote in their primary election. The notice shall also contain a toll-free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule.

(2) The application shall contain a list of political parties that have authorized a voter who has declined to disclose a political party preference to vote that party's ballot, and next to each party's name, a box to mark indicating that the voter wishes to vote that party's ballot. The application shall also require the voter to provide personal identifying information that matches the information contained on the voter's affidavit of registration, including their first and last names, home address, and date of birth, and shall require the voter to sign the application. The notice or application shall instruct the voter that they may request a vote by mail ballot for the party they select by submitting the completed application to the appropriate county elections official in person, by mail, email, or facsimile transmission, or by other electronic means made available by the county elections official.

(c) In addition to the method specified in subdivision (b) and 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 described in this subdivision. A voter requesting a ballot pursuant to this subdivision shall provide identifying information that matches the information contained on the voter's affidavit of registration, including their date of birth, home address, and first and last names. If requesting a ballot pursuant to paragraph (3), the voter must also provide their signature. The voter may request a ballot as follows:

(1) By telephone subject to the following conditions:

(A) A person shall not request a party's ballot pursuant to this section using the name of, or on behalf of, another person.

(B) Prior to being asked for personal identifying information, a voter requesting a party's ballot pursuant to this section shall be advised as follows: "Only the registered voter themselves may request a ballot from a political party. A request for a party's ballot that is made by any person other than the voter is a criminal offense."

(C) The voter's signature shall not be required.

(2) On an application over the internet if available. The voter's signature shall not be required.

(3) By a written statement application submitted in person, or by mail, email, or facsimile transmission.

(4) By text message to the appropriate elections official, if the county has established a system for processing such a request. The voter's signature shall not be required.

(d) A voter who has declined to disclose a political party preference and who has received a nonpartisan vote by mail ballot may return their unvoted ballot to the county elections official and request and receive a vote by mail ballot, or appear to vote in person and receive a 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.

(e) The Secretary of State shall prepare and distribute to county elections officials a uniform application format for a voter to request a political party's ballot at the next ensuing partisan primary election if the political party has so authorized.

**SEC. 2.** Section 13502.5 is added to the Elections Code, to read:

**13502.5.** (a) This section applies to a nonpartisan ballot provided to a voter who has declined to disclose a political party preference for use in voting in a presidential primary election.

(b) (1) A notice shall be printed on the ballot, in substantially the following form, that advises the voter of at least the following information:

(A) You are registered as a No Party Preference voter and therefore ineligible to vote for a presidential candidate unless you request and vote a partisan ballot.

(B) The following parties allow a No Party Preference voter to vote in their presidential primaries: [list of parties]. You may request a ballot to vote in one of these primaries from your county elections official.

(2) The notice printed on the ballot shall also advise the voter that they may find the additional information described in subdivision (c) in the voter information guide or on the county elections official's internet website.

(c) The notice printed on the ballot may advise the voter of additional information, including the following:

(1) A list of means available in the county for the voter to request a partisan ballot.

(2) A statement that if the voter wishes to vote in the presidential primary of a party that does not permit a No Party Preference voter to vote, the voter must update their voter registration and request the ballot of that party.

(3) A list of means available in the county for the voter to request a remote accessible vote by mail ballot, in case the voter is unable to request and receive a partisan ballot in time to return it for an upcoming election.

(4) A description of the county's procedures for accepting and processing a remote accessible vote by mail ballot.

**SEC. 3.** 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.