

AMENDED IN SENATE MARCH 15, 2022

SENATE BILL

No. 1480

Introduced by Senator Glazer
(Coauthor: Senator Becker)

February 18, 2022

An act to amend Sections 3016.7, 3017, 3019, 19205, and 19295 of, and to add Section 19296 to, the Elections Code, relating to voting.

LEGISLATIVE COUNSEL'S DIGEST

SB 1480, as amended, Glazer. Remote accessible vote by mail systems.

(1) Existing law requires a county elections official to permit any voter to cast a ballot using a certified remote accessible vote by mail system. Existing law prescribes standards and procedures for the Secretary of State to certify remote accessible vote by mail systems. Existing law prescribes standards and procedures for an elections official to compare a voter's signature submitted with the voter's vote by mail ballot to a signature in the voter's registration record.

This bill would require a county elections official to permit a voter with a qualifying disability, as defined, to use a certified remote accessible vote by mail system that enables the voter to return a completed ballot electronically. The bill would ~~direct~~ *permit* the Secretary of State, ~~no later than April 1, 2023, State to develop and~~ certify this type of remote accessible vote by mail system and to develop procedures for a voter using the system to submit a signature electronically.

(2) Existing law imposes various restrictions on voting systems, generally, including that no part of the voting system shall be connected to the internet at any time. Existing law specifically prohibits a remote

accessible vote by mail system from having the capability to use a remote server to mark a voter’s selection transmitted to the server from the voter’s computer via the internet, to store any voter identifiable selections on any remote server, or to tabulate votes.

This bill would exempt the aforementioned remote accessible vote by mail system from these prohibitions only if, and to the extent that, these features are necessary for the operation of the system.

By imposing additional duties on county 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.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3016.7 of the Elections Code is amended
 2 to read:

3 3016.7. (a) The county elections official shall permit any voter
 4 to cast a ballot using a certified remote accessible vote by mail
 5 system, regardless of whether the voter is a voter with disabilities
 6 or a military or overseas voter.

7 (b) (1) Upon certification of the system described in Section
 8 19296, the county elections official shall permit a voter with a
 9 qualifying disability to use a certified remote accessible vote by
 10 mail system that enables the voter to return a ballot by electronic
 11 means and in a private and independent manner.

12 (2) For purposes of this subdivision, “qualifying disability”
 13 means a disability that prevents a voter from reading, marking,
 14 holding, handling, or manipulating a ballot, including blindness,
 15 visual impairment, an intellectual or developmental disability, or
 16 impairment in dexterity, such that the voter is unable to return a
 17 ballot privately and independently.

18 SEC. 2. Section 3017 of the Elections Code is amended to read:

1 3017. (a) (1) All vote by mail ballots cast under this division
2 shall be voted on or before the day of the election. After marking
3 the ballot, the vote by mail voter shall do any of the following:

4 (A) Return the ballot by mail or in person to the elections official
5 who issued the ballot.

6 (B) Return the ballot in person to a member of a precinct board
7 at a polling place or vote center within the state.

8 (C) Return the ballot to a vote by mail ballot dropoff location
9 within the state that is provided pursuant to Section 3025 or 4005.

10 (D) Return the ballot by electronic means using the remote
11 accessible vote by mail system—~~developed~~ *certified* pursuant to
12 Section 19296.

13 (2) A vote by mail voter who is unable to return the ballot may
14 designate another person to return the ballot to the elections official
15 who issued the ballot, to the precinct board at a polling place or
16 vote center within the state, or to a vote by mail ballot dropoff
17 location within the state that is provided pursuant to Section 3025
18 or 4005. The person designated shall return the ballot in person,
19 or put the ballot in the mail, no later than three days after receiving
20 it from the voter or before the close of the polls on election day,
21 whichever time period is shorter. Notwithstanding subdivision (d),
22 a ballot shall not be disqualified from being counted solely because
23 it was returned or mailed more than three days after the designated
24 person received it from the voter, provided that the ballot is
25 returned by the designated person before the close of polls on
26 election day.

27 (3) The ballot must be received by the elections official who
28 issued the ballot, the precinct board, or the vote by mail ballot
29 dropoff location before the close of the polls on election day. If a
30 vote by mail ballot is returned to a precinct board at a polling place
31 or vote center, or to a vote by mail ballot dropoff location, that is
32 located in a county that is not the county of the elections official
33 who issued the ballot, the elections official for the county in which
34 the vote by mail ballot is returned shall forward the ballot to the
35 elections official who issued the ballot no later than eight days
36 after receipt.

37 (b) The elections official shall establish procedures to ensure
38 the secrecy of a ballot returned to a polling place and the security,
39 confidentiality, and integrity of any personal information collected,
40 stored, or otherwise used pursuant to this section.

1 (c) On or before March 1, 2008, the elections official shall
 2 establish procedures to track and confirm the receipt of voted vote
 3 by mail ballots and to make this information available by means
 4 of online access using the county’s elections division internet
 5 website. If the county does not have an elections division internet
 6 website, the elections official shall establish a toll-free telephone
 7 number that may be used to confirm the date a voted vote by mail
 8 ballot was received.

9 (d) The provisions of this section are mandatory, not directory,
 10 and a ballot shall not be counted if it is not delivered in compliance
 11 with this section.

12 (e) (1) A person designated to return a vote by mail ballot shall
 13 not receive any form of compensation based on the number of
 14 ballots that the person returns and an individual, group, or
 15 organization shall not provide compensation on this basis.

16 (2) For purposes of this paragraph, “compensation” means any
 17 form of monetary payment, goods, services, benefits, promises or
 18 offers of employment, or any other form of consideration offered
 19 to another person in exchange for returning another voter’s vote
 20 by mail ballot.

21 (3) A person in charge of a vote by mail ballot and who
 22 knowingly and willingly engages in criminal acts related to that
 23 ballot as described in Division 18 (commencing with Section
 24 18000), including, but not limited to, fraud, bribery, intimidation,
 25 and tampering with or failing to deliver the ballot in a timely
 26 fashion, is subject to the appropriate punishment specified in that
 27 division.

28 SEC. 3. Section 3019 of the Elections Code is amended to read:

29 3019. (a) (1) Upon receiving a vote by mail ballot, the
 30 elections official shall compare the signature on the identification
 31 envelope with either of the following to determine if the signatures
 32 compare:

33 (A) The signature appearing on the voter’s affidavit of
 34 registration or any previous affidavit of registration of the voter.

35 (B) The signature appearing on a form issued by an elections
 36 official that contains the voter’s signature and that is part of the
 37 voter’s registration record.

38 (2) All of the following apply to the comparison of signatures
 39 pursuant to this section:

1 (A) A presumption exists that the signature on the identification
2 envelope, signature verification statement, unsigned ballot
3 statement, or provisional ballot envelope is the voter's signature.

4 (B) An exact match is not required for an elections official to
5 determine that a voter's signature is valid. The fact that signatures
6 share similar characteristics is sufficient to determine that a
7 signature is valid.

8 (C) Except as provided in subparagraph (D), the elections
9 official shall consider explanations for discrepancies between
10 signatures that are specified in regulations promulgated by the
11 Secretary of State. For purposes of this subparagraph, explanations
12 include a variation in signature style over time and the haste with
13 which a signature is written.

14 (D) When comparing signatures, an elections official shall not
15 review or consider a voter's party preference, race, or ethnicity.

16 (E) The elections official may consider characteristics of the
17 written signature that are specified in regulations promulgated by
18 the Secretary of State. For purposes of this subparagraph,
19 characteristics include the slant of the signature, letter formation,
20 and whether the signature is printed or written in cursive.

21 (F) The elections official may use facsimiles of voters'
22 signatures, provided that the method of preparing and displaying
23 the facsimiles complies with the law.

24 (G) In comparing signatures pursuant to this section, an elections
25 official may use signature verification technology. If signature
26 verification technology determines that the signatures do not
27 compare, the signature is subject to the additional procedures
28 described in paragraph (2) of subdivision (c).

29 (H) The variation of a signature caused by the substitution of
30 initials for the first or middle name, or both, is not grounds for the
31 elections official to determine that the signatures do not compare.

32 (I) A signature made using a mark such as an "X", or made by
33 a signature stamp, shall be presumed valid and shall be accepted
34 if the signature meets the requirements of Section 354.5.

35 (b) If upon conducting the comparison of signatures pursuant
36 to subdivision (a) the elections official determines that the
37 signatures compare, the elections official shall deposit the ballot,
38 still in the identification envelope, in a ballot container in the
39 elections official's office.

1 (c) (1) If upon conducting the comparison of signatures pursuant
2 to subdivision (a) the elections official determines that the signature
3 possesses multiple, significant, and obvious differing characteristics
4 when compared to all signatures in the voter's registration record,
5 the signature is subject to the additional procedures described in
6 paragraph (2).

7 (2) If the elections official makes the determination described
8 in paragraph (1), the signature shall be rejected only if two
9 additional elections officials each find beyond a reasonable doubt
10 that the signature differs in multiple, significant, and obvious
11 respects from all signatures in the voter's registration record. If
12 the officials determine that the signatures do not compare, the
13 identification envelope shall not be opened and the ballot shall not
14 be counted. The elections official shall write the cause of the
15 rejection on the face of the identification envelope only after
16 completing the procedures described in subdivision (d).

17 (d) (1) (A) Except as provided in subparagraph (D), on or
18 before the next business day after a determination that a voter's
19 signature does not compare pursuant to subdivision (c), but not
20 later than eight days prior to the certification of the election, the
21 elections official shall send by first-class mail notice to the voter
22 of the opportunity to verify the voter's signature no later than 5
23 p.m. two days prior to the certification of the election. The notice
24 shall include a return envelope, with postage paid, for the voter to
25 return a signature verification statement.

26 (B) Unless required pursuant to Section 3026, the elections
27 official may send additional written notices to a voter identified
28 pursuant to subdivision (c), and may also notify the voter in person,
29 by telephone or email, or by other means of the opportunity to
30 verify the voter's signature.

31 (C) Unless required pursuant to Section 3026, the elections
32 official may use any information in a county's election
33 management system, or otherwise in the election official's
34 possession, for the purpose of notifying the voter of the opportunity
35 to verify the voter's signature.

36 (D) If it is impracticable under the circumstances for the
37 elections official to send the notice described in subparagraph (A)
38 on or before the next business day, including in the event of
39 technological failure, the elections official shall send the notice as

1 soon as practicable, but not later than eight days prior to the
2 certification of the election.

3 (2) The notice and instructions shall be in substantially the
4 following form:

5
6 “READ THESE INSTRUCTIONS CAREFULLY. FAILURE TO FOLLOW THESE
7 INSTRUCTIONS MAY CAUSE YOUR VOTE BY MAIL BALLOT NOT TO
8 COUNT.
9

10 1. We have determined that the signature you provided on your vote by mail
11 ballot does not compare with the signature(s) on file in your voter record. In
12 order to ensure that your vote by mail ballot will be counted, the signature
13 verification statement must be completed and returned as soon as possible.

14 2. The signature verification statement must be received by the elections
15 official of the county where you are registered to vote no later than 5 p.m. two
16 days prior to certification of the election.

17 3. You must sign your name where specified on the signature verification
18 statement (Voter’s Signature).

19 4. Place the signature verification statement into the postage-paid return
20 envelope if it is included with these instructions. If a return envelope is not
21 included with these instructions, use your own mailing envelope addressed to
22 your local elections official. Mail, deliver, or have the completed statement
23 delivered to the elections official. If you mail your completed statement using
24 your own envelope, be sure there is sufficient postage and that the address of
25 the elections official is correct.

26 5. If you do not wish to send the signature verification statement by mail or
27 have it delivered, you may submit your completed statement by email or
28 facsimile transmission to your local elections official, or submit your completed
29 statement to a polling place within the county or a ballot dropoff box before
30 the close of the polls on election day.”

31
32 (3) The notice and instructions shall be translated in all
33 languages required in that county by Section 203 of the federal
34 Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

35 (4) The elections official shall not reject a vote by mail ballot
36 identified pursuant to subdivision (c) if each of the following
37 conditions is satisfied:

38 (A) The voter delivers, in person, by mail, by fax, or by email,
39 a signature verification statement signed by the voter and the
40 elections official receives the statement no later than 5 p.m. two

1 days prior to the certification of the election, or the voter, before
2 the close of the polls on election day, completes and submits a
3 signature verification statement to a polling place within the county
4 or a ballot dropoff box.

5 (B) Upon receipt of the signature verification statement, the
6 elections official shall compare the signature on the statement with
7 the signature on file in the voter’s record.

8 (i) If upon conducting the comparison of signatures the elections
9 official determines that the signatures compare, the elections
10 official shall deposit the ballot, still in the identification envelope,
11 in a ballot container in the elections official’s office.

12 (ii) If, under the standards and procedures of subdivision (c), a
13 determination is made that the signatures do not compare, the
14 identification envelope shall not be opened and the ballot shall not
15 be counted. The elections official shall write the cause of the
16 rejection on the face of the identification envelope.

17 (5) The signature verification statement shall be in substantially
18 the following form and may be included on the same page as the
19 notice and instructions specified in paragraph (2):

20
21 “SIGNATURE VERIFICATION STATEMENT

22
23 I, _____, am a registered voter of _____ County,
24 State of California. I declare under penalty of perjury that I requested (or I
25 received) and returned a vote by mail ballot. I am a resident of the precinct in
26 which I have voted, and I am the person whose name appears on the vote by
27 mail ballot envelope. I understand that if I commit or attempt any fraud in
28 connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud
29 in connection with voting, I may be convicted of a felony punishable by
30 imprisonment for 16 months or two or three years. I understand that my failure
31 to sign this statement means that my vote by mail ballot will be invalidated.

32 _____
33 Voter’s Signature

34 _____
35 Address”

36
37 (6) An elections official shall include the vote by mail ballot
38 signature verification statement and instructions provided in this
39 subdivision on the elections official’s internet website and shall
40 provide the elections official’s mailing address, email address, and

1 facsimile transmission number on the internet web page containing
2 the statement and instructions.

3 (7) If the elections official determines that the signatures
4 compare, the official shall use the signature in the signature
5 verification statement, even if returned untimely, to update the
6 voter’s signature for future elections.

7 (e) (1) (A) Notwithstanding any other law, if an elections
8 official determines that a voter has failed to sign the identification
9 envelope, the elections official shall not reject the vote by mail
10 ballot if the voter does any of the following:

11 (i) Signs the identification envelope at the office of the elections
12 official during regular business hours no later than 5 p.m. two days
13 prior to the certification of the election.

14 (ii) No later than 5 p.m. two days prior to the certification of
15 the election, completes and submits an unsigned ballot statement
16 in substantially the following form:

17
18 “UNSIGNED BALLOT STATEMENT

19
20 I, _____, am a registered voter of _____ County,
21 State of California. I declare under penalty of perjury that I requested (or I
22 received) and returned a vote by mail ballot and that I have not and will not
23 vote more than one ballot in this election. I am a resident of the precinct in
24 which I have voted, and I am the person whose name appears on the vote by
25 mail ballot envelope. I understand that if I commit or attempt any fraud in
26 connection with voting, or if I aid or abet fraud or attempt to aid or abet fraud
27 in connection with voting, I may be convicted of a felony punishable by
28 imprisonment for 16 months or two or three years. I understand that my failure
29 to sign this statement means that my vote by mail ballot will be invalidated.

30 _____
31 Voter’s Signature

32 _____
33 Address”

34
35 (iii) Before the close of the polls on election day, completes and
36 submits an unsigned ballot statement, in the form described in
37 clause (ii), to a polling place within the county or a ballot dropoff
38 box.

39 (B) (i) Except as provided in clause (iv), or before the next
40 business day after discovering that a voter has failed to sign the

1 identification envelope, but not later than eight days prior to the
2 certification of the election, the elections official shall send by
3 first-class mail notice and instructions to the voter of the
4 opportunity to provide a signature no later than 5 p.m. two days
5 prior to the certification of the election. The notice shall include
6 a return envelope, with postage paid, for the voter to return the
7 unsigned ballot statement.

8 (ii) Unless required pursuant to Section 3026, the elections
9 official may send additional written notices to a voter identified
10 pursuant to this subdivision, and may also notify the voter in
11 person, by telephone or email, or by other means of the opportunity
12 to provide a signature.

13 (iii) Unless required pursuant to Section 3026, the elections
14 official may use any information in the county's election
15 management system, or otherwise in the election official's
16 possession, for the purpose of notifying the voter of the opportunity
17 to provide a signature.

18 (iv) If it is impracticable under the circumstances for the
19 elections official to send the notice described in clause (i) on or
20 before the next business day, including in the event of technological
21 failure, the elections official shall send the notice as soon as
22 practicable, but not later than eight days prior to the certification
23 of the election.

24 (C) If timely submitted, the elections official shall accept any
25 completed unsigned ballot statement. Upon receipt of the unsigned
26 ballot statement, the elections official shall compare the voter's
27 signature on the statement in the manner provided by this section.

28 (i) If the elections official determines that the signatures
29 compare, the elections official shall attach the unsigned ballot
30 statement to the identification envelope and deposit the ballot, still
31 in the identification envelope, in a ballot container in the elections
32 official's office.

33 (ii) If, under the standards and procedures of subdivision (c), a
34 determination is made that the signatures do not compare, the
35 identification envelope shall not be opened and the elections
36 official shall provide notice to the voter pursuant to subdivisions
37 (c) and (d).

38 (D) An elections official may use methods other than those
39 described in subparagraph (A) to obtain a voter's signature on an
40 unsigned identification envelope.

1 (2) Instructions shall accompany the unsigned ballot statement
2 in substantially the following form:

3
4 “READ THESE INSTRUCTIONS CAREFULLY BEFORE COMPLETING THE
5 STATEMENT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
6 YOUR BALLOT NOT TO COUNT.
7

- 8 1. In order to ensure that your vote by mail ballot will be counted, your
9 statement should be completed and returned as soon as possible, but
10 no later than 5 p.m. two days prior to the certification of the election.
11 2. You must sign your name on the line above (Voter’s Signature).
12 3. Place the statement into the postage-paid return envelope if it is included
13 with these instructions. If a return envelope is not included with these
14 instructions, use your own mailing envelope addressed to your local
15 elections official. Mail, deliver, or have delivered the completed
16 statement to the elections official. If you mail your completed statement
17 using your own envelope, be sure there is sufficient postage and that
18 the address of the elections official is correct.
19 4. If you do not wish to send the statement by mail or have it delivered,
20 you may submit your completed statement by facsimile or email
21 transmission to your local elections official, or submit your completed
22 statement to a polling place within the county or a ballot dropoff box
23 before the close of the polls on election day.”
24

25 (3) The notice and instructions shall be translated in all
26 languages required in that county by Section 203 of the federal
27 Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

28 (4) An elections official shall include the unsigned ballot
29 statement and instructions described in this subdivision on the
30 elections official’s internet website and shall provide the elections
31 official’s mailing address, email address, and facsimile
32 transmission number on the internet web page containing the
33 statement and instructions.

34 (f) A ballot shall not be removed from its identification envelope
35 until the time for processing ballots. A ballot shall not be rejected
36 for cause after the identification envelope has been opened.

37 (g) For purposes of this section, “certification of the election”
38 means the date the particular elections official submits a certified
39 statement of the results of the election to the governing body
40 pursuant to Section 15372, even if that occurs before the deadline

1 to submit the certified statement of the election results set forth in
2 Section 15372.

3 (h) In comparing signatures pursuant to this section, including
4 when using signature verification software or other technology,
5 an elections official shall adhere to all applicable regulations
6 promulgated by the Secretary of State.

7 (i) The standards and conditions in subdivisions (a) and (c)
8 apply to the comparison, acceptance, and rejection of signatures
9 submitted electronically by means of the system ~~developed~~ *certified*
10 pursuant to Section 19296, including that a signature may be
11 rejected only if two additional elections officials each find beyond
12 a reasonable doubt that the signature differs in multiple, significant,
13 and obvious respects from all signatures in the voter's registration
14 record.

15 SEC. 4. Section 19205 of the Elections Code is amended to
16 read:

17 19205. (a) Except as provided in subdivision (b), a voting
18 system shall comply with all of the following:

19 (1) No part of the voting system shall be connected to the
20 internet at any time.

21 (2) No part of the voting system shall electronically receive or
22 transmit election data through an exterior communication network,
23 including the public telephone system, if the communication
24 originates from or terminates at a polling place, satellite location,
25 or counting center.

26 (3) No part of the voting system shall receive or transmit
27 wireless communications or wireless data transfers.

28 (b) A remote accessible vote by mail system ~~developed~~ *certified*
29 pursuant to Section 19296 is not required to comply with
30 subdivision (a) only if, and to the extent that, noncompliance is
31 necessary for the operation of that system.

32 SEC. 5. Section 19295 of the Elections Code is amended to
33 read:

34 19295. (a) Except as provided in subdivision (b), a remote
35 accessible vote by mail system or part of a remote accessible vote
36 by mail system shall not do any of the following:

37 (1) Have the capability, including an optional capability, to use
38 a remote server to mark a voter's selections transmitted to the
39 server from the voter's computer via the internet.

1 (2) Have the capability, including an optional capability, to store
2 any voter identifiable selections on any remote server.

3 (3) Have the capability, including the optional capability, to
4 tabulate votes.

5 (b) A remote accessible vote by mail system ~~developed~~ *certified*
6 pursuant to Section 19296 may have one or more of the capabilities
7 described in subdivision (a) only if, and to the extent that, the
8 capability is necessary for the operation of that system.

9 SEC. 6. Section 19296 is added to the Elections Code, to read:

10 19296. (a) ~~No later than April 1, 2023, the~~ *The* Secretary of
11 State ~~shall~~ *may* do ~~both~~ *any* of the following:

12 (1) ~~Develop and certify~~ *Certify* a remote accessible vote by mail
13 system that allows a voter with a qualifying disability to return a
14 ballot by electronic means and in a private and independent
15 manner.

16 (2) Develop, either as part of the system described in paragraph
17 (1) or by another means, procedures for a voter with a qualifying
18 disability to submit a signature electronically, including procedures
19 to correct or submit an absent signature, in order for signature
20 comparison to occur pursuant to Section 3019.

21 (b) For purposes of this section, “qualifying disability” means
22 a disability that prevents a voter from reading, marking, holding,
23 handling, or manipulating a ballot, including blindness, visual
24 impairment, an intellectual or developmental disability, or
25 impairment in dexterity, such that the voter is unable to return a
26 ballot privately and independently.

27 SEC. 7. If the Commission on State Mandates determines that
28 this act contains costs mandated by the state, reimbursement to
29 local agencies and school districts for those costs shall be made
30 pursuant to Part 7 (commencing with Section 17500) of Division
31 4 of Title 2 of the Government Code.