

09-0007
Amdt. #1S

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

April 23, 2009

Ms. Krystal Paris, Initiative Coordinator
Office of the Attorney General
1300 I St.
Sacramento, CA 95814

RE: Vote SAFE: Secure and Fair Elections Act

Dear Ms. Paris:

Pursuant to Elections Code Section 9004, we are submitting amendments to "Vote SAFE: Secure and Fair Elections Act" (Initiative #09-0007). The text of the amended measure is enclosed.

Please direct all correspondence and inquiries regarding this measure to:

Bell, McAndrews & Hiltachk, LLP
455 Capitol Mall, Suite 801
Sacramento, CA 95814
Phone: (916) 442-7757
Fax: (916) 442-7759

Sincerely,

~~George C. Rasmussen, Jr.~~
Proponent

Charles H. Bell, Jr.
Proponent

SECTION 1. This act shall be known as Vote SAFE: Secure and Fair Elections Act.

SEC. 2. Voter ID. Section 14216.5 is added to the Elections Code to read:

14216.5. (a) Prior to receiving a ballot a voter shall present to a member of the precinct board proof of identification that meets all of the following requirements:

(1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record.

(2) The document shows a photograph of the individual presenting the identification.

(3) The document includes an expiration date, and the document is not expired at the time of voting or expired less than two years prior to the election.

(4) The document was issued by the United States or the State of California or is a valid tribal member ID card issued by an Indian tribe recognized by the U.S. government.

(b) If a voter is unable to or refuses to provide proof of identification pursuant to subdivision (a), he or she shall not be prohibited from voting but shall be required to execute a declaration, certified to be correct under penalty of perjury, declaring that he or she is registered to vote. Upon execution of the declaration, the voter shall be issued a provisional ballot pursuant to Section 14310 and an envelope to be completed in the same manner as a vote by mail envelope.

SEC. 3. Fee Waiver. Section 14902.5 is added to the Vehicle Code to read:

14902.5 The fee for an original or replacement identification card shall be waived for a person who requests the identification card for purposes of satisfying the requirement for Section 3011 or 14216.5 of the Elections Code.

SEC. 4. Military Ballots. Section 3020.5 is added to the Elections Code to read:

3020.5. Notwithstanding Section 3020, 3311, 4103, and unless additional time is authorized under state or federal law, a vote by mail ballot of an "absent uniformed services voter" as defined in 42 U.S.C. § 1973ff-6(1) shall be timely cast if postmarked or signed and dated by election day and received by the voter's election official no later than 15 days after election day.

Section 3101.5 is added to the Elections Code to read:

3101.5. Upon receipt of a valid federal Registration and Absentee Ballot Request Form, a Special Vote by Mail Ballot request or other written application from an absent uniformed services voter, the county elections official shall record the voter's uniformed services address and status and process his or her ballot(s) in accordance with Section 3020.5. The Secretary of State shall ensure that all county election officials follow procedures which comply with this section during all elections following voter approval of this Act.

SEC. 5. Felons Ineligible. Section 2101 of the Elections Code is amended to read:

2101. (a) A person entitled to register to vote shall be a United States citizen, a resident of California, not in prison or on parole or probation for the conviction of a felony, and at least 18 years of age at the time of the next election.

(b) "Conviction of a felony" for purposes of this code means conviction of a felony offense which results in incarceration in prison or parole or felony probation.

(c) Commencing January 1, 2011, the chief elections official of each county shall upon notice of the clerk of the Superior Court cancel affidavits of registration of all persons who have been convicted of a felony as defined in subdivision (b).

(d) The Legislature shall conform sections 2106, 2150, 2201, 2212, 2300 and 14240 of this code to the provisions of subdivision (a), effective no later than January 1, 2011.

SEC. 6. Vote By Mail. Section 3011 of the Elections Code is amended to read:

3011. (a) The identification envelope shall contain all of the following:

- (1) A declaration, under penalty of perjury, stating that the voter resides within the precinct in which he or she is voting and is the person whose name appears on the envelope.
- (2) The signature of the voter *and the last four digits of the voter's California Driver's License number or California ID Card number, or if the voter has neither, the last four digits of the voter's Social Security Number.*
- (3) The residence address of the voter as shown on the affidavit of registration.
- (4) The date of signing.
- (5) A notice that the envelope contains an official ballot and is to be opened only by the canvassing board *if the signature and numeric identifying information are verified.*
- (6) A warning plainly stamped or printed on it that voting twice constitutes a crime.
- (7) A warning plainly stamped or printed on it that the voter must sign the envelope in his or her own handwriting in order for the ballot to be counted.
- (8) A statement that the voter has neither applied, nor intends to apply, for a vote by mail voter's ballot from any other jurisdiction for the same election.
- (9) The name of the person authorized by the voter to return the vote by mail ballot pursuant to Section 3017.
- (10) The relationship to the voter of the person authorized to return the vote by mail ballot.

(11) The signature of the person authorized to return the vote by mail ballot.

(12) A security flap or sleeve to conceal the voter's signature and ID during mailing.

(b) An elections official shall verify that the voter's signature and numeric identification required pursuant to subdivision (a) paragraph (2) are consistent with the voter's corresponding state or federal records before the enclosed ballot may be counted.

(b)(c) Except at a primary election for partisan office, and notwithstanding any other provision of law, the vote by mail voter's party affiliation may not be stamped or printed on the identification envelope.

(d) Amendments to this section authorized by the Secure and Fair Elections Act shall apply to any election held on or after January 1, 2012.

SEC. 7. Severability: If any provision of this act, or part thereof, is for any reason held invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this act are severable.

SEC. 8. Amendment and Liberal Construction: This act shall not be amended by the Legislature except by a statute passed in each house by roll call vote entered in the journal, three-fourths of the membership of each house concurring. This act shall be broadly construed to accomplish its purpose of ensuring election integrity by verifying voter identification, ensuring that votes cast by absent uniformed services voters are counted, and preventing felons under correctional supervision from voting.