Date of Hearing: April 27, 2022

ASSEMBLY COMMITTEE ON ELECTIONS
Isaac G. Bryan, Chair
AB 2967 (Committee on Elections) – As Introduced March 16, 2022

SUBJECT: Elections: petition records and requests: vote-by-mail ballot.

SUMMARY: Makes various minor and technical changes to the Elections Code. Specifically, **this bill**:

1) Requires a written request that a voter submits to an elections official to have the voter's signature withdrawn from a state or local initiative, referendum, or recall petition to include the name or title of the petition.

2) Deletes provisions of law that require the Secretary of State (SOS) to preserve state recall petitions, and instead requires local elections officials to preserve those petitions.

3) Replaces the term "unsigned ballot statement" with the term "unsigned identification envelope statement."

4) Makes conforming changes.

EXISTING LAW:

1) Authorizes a voter who has signed a state or local initiative, referendum, or recall petition to have the voter's signature withdrawn from the petition upon filing a written request with the appropriate elections official prior to the day the petition is filed that includes the voter's name, residence address, and signature.

2) Requires an elections official, upon receiving a vote by mail (VBM) ballot, to compare the signature on the identification envelope with signatures in the voter's registration records to determine if the signatures compare, as specified. Requires an elections official, if the VBM ballot envelope is unsigned, to notify the voter and allow the voter to provide their signature by signing and returning an unsigned ballot statement form, as specified.

3) Requires an elections official, or in the case of the recall of a state officer, the SOS, to preserve all recall petitions filed for eight months after the results of the election for which the petition qualified or, if no election is held, eight months after the elections official's final examination of the petition.

FISCAL EFFECT: Unknown. State-mandated local program; contains reimbursement direction.

COMMENTS:

1) **Purpose of the Bill**: This is an Assembly Elections Committee omnibus bill, containing various minor and technical changes to the Elections Code. This bill includes changes requested by the California Association of Clerks and Election Officials (CACEO).

2) **Petition Signature Withdrawal Requests**: Existing law authorizes a voter who signed an initiative, referendum, or recall petition to remove the voter's name from the petition by filing a written request with the appropriate elections official prior to the day the petition is filed. The voter's request must include the voter's name, residence address, and signature.

   County elections officials report that they receive petitions for multiple ballot measures at the same time, so when an elections official receives a request from a voter to withdraw the voter's signature from a petition, it can be challenging to determine which petition that request applies to without additional information from the voter. Accordingly, this bill requires a voter's written request to remove their name from a petition to include the name or title of the petition.

   This provision was requested by the CACEO, and is found in Sections 1, 3, and 4 of the bill.

3) **Recall Petition Preservation**: Current law requires local elections officials to retain and preserve petitions for local recall measures. For recalls of state officers, state law requires the SOS to preserve the recall petitions.

   State recall petitions are filed with county elections officials, and county officials are responsible for verifying signatures on those petitions. Because of that fact, the SOS does not receive petitions for recalls of state officers, and the SOS generally does not have an administrative need to access or maintain those petitions. Accordingly, county elections officials indicate that in practice, recall petitions for state officers are preserved and retained at the county elections officials' office and not at the SOS's office.

   This bill conforms state law to that practice by deleting requirements that the SOS preserve state recall petitions, and instead requires local elections officials to preserve those petitions.

   This provision was requested by the CACEO, and is found in Section 5 of the bill.

4) **Unsigned Ballot Cure Process**: Existing law requires an elections official, upon receiving a VBM ballot, to verify the signature on the identification envelope by comparing it with signatures in the voter's registration records. If the voter fails to sign the VBM ballot identification envelope, existing law requires the elections official to notify the voter and allow the voter to provide their signature by signing and returning a specified form. That form is referred to in state law as an "unsigned ballot statement."

   County elections officials indicate that the term "unsigned ballot statement" has created voter confusion because a voter who votes by mail signs their VBM ballot *identification envelope*, rather than the ballot itself. In an effort to address this confusion, this bill makes clarifying changes by replacing the term "unsigned ballot statement" with "unsigned identification envelope statement."

   This provision was requested by the CACEO, and is found in Section 2 of the bill.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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