

**Assembly Bill No. 2953**

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Passed the Assembly August 29, 2008

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*Chief Clerk of the Assembly*

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Passed the Senate August 25, 2008

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2008, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Section 13102 of the Elections Code, relating to elections.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2953, Feuer. Elections: voting.

Existing law requires that one form of ballot be provided at an election at which public officers are to be voted for, except at partisan primary elections, at which a ballot for each qualified political party and a nonpartisan ballot shall be provided. Under existing law, at partisan primary elections, a voter not registered with one of the political parties is to be furnished a nonpartisan ballot, unless he or she requests a ballot of a political party that has authorized a voter not registered with that party to vote the ballot of that party, as prescribed.

This bill would require that a member of the precinct board, prior to furnishing a ballot to a voter not registered with one of the political parties, provide written notification to the voter that he or she may request a ballot of a political party that has authorized a voter not registered with that party to vote the ballot of that party or a nonpartisan ballot. The bill would require the written notification to list each political party that has authorized a voter not registered with that party to vote the ballot of that party.

Because the bill would require elections officials to provide a higher level of service, it 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 these statutory provisions.

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

SECTION 1. Section 13102 of the Elections Code is amended to read:

13102. (a) All voting shall be by ballot. There shall be provided, at each polling place, at an election at which a public officer is to be voted for, but one form of ballot for all candidates for public office, except that, for partisan primary elections, one form of ballot shall be provided for each qualified political party as well as one form of nonpartisan ballot, in accordance with subdivision (b).

(b) At a partisan primary election, prior to furnishing a ballot to a voter who has declined to state a party affiliation, a member of the precinct board shall provide written notification informing the voter that he or she may request a ballot for a political party that has adopted a party rule as provided in subdivision (c) or a nonpartisan ballot. If the voter does not request a ballot for a political party that has adopted a party rule as provided in subdivision (c), the voter shall be furnished a nonpartisan ballot. The nonpartisan ballot shall contain only the names of all candidates for nonpartisan offices and measures to be voted for at the primary election. A voter registered as intending to affiliate with a political party participating in the election shall be furnished only a ballot of the political party with which he or she is registered and the nonpartisan ballot, both of which shall be printed together as one ballot in the form prescribed by Section 13207.

(c) A political party may adopt a party rule in accordance with subdivision (b) that authorizes a person who has declined to state a party affiliation to vote the ballot of that political party at the next ensuing partisan primary election. The political party shall notify the party chair immediately upon adoption of that party rule. The party chair shall provide written notice of the adoption of that rule to the Secretary of State not later than the 135th day prior to the partisan primary election at which the vote is authorized.

(d) The county elections official shall maintain a record of which political party's ballot was requested pursuant to subdivision (b), or whether a nonpartisan ballot was requested, by each person who declined to state a party affiliation. The record shall be made available to a person or committee who is authorized to receive a copy of the printed index of registration for a primary or a general

election pursuant to Section 2184. A record produced pursuant to this subdivision shall be made available in either a printed or electronic format, as requested by the authorized person or committee.

(e) For purposes of subdivision (b), written notification includes, but is not limited to, signs, placards, and other forms of written notice. The written notification required by subdivision (b) shall list each party that has adopted a party rule as provided in subdivision (c).

SEC. 2. 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.







Approved \_\_\_\_\_, 2008

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*Governor*