

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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(21-0012) AUTHORIZES ONLINE VOTING. INITIATIVE STATUTE. Requires Secretary of State to develop online voting system that provides registered voters the option to cast an online ballot (1) from an official online voting machine located at a polling place in the next statewide election, and (2) for subsequent elections, from any location and device (including personal devices). Requires Secretary of State to establish procedures to protect the secrecy of online ballots, including procedures to confirm the identity of the voter. Criminalizes efforts to interfere with online voting system and specifies penalties. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: One-time costs to government, in the range of hundreds of millions of dollars or more, likely to be paid at least in part by the state to establish a new statewide online voting system. Ongoing costs to government, in the range of tens of millions of dollars or more, likely to be paid at least in part by the state each year to maintain the new online voting system and implement other provisions of the measure.

18372. (a) A candidate or representative of a candidate, or a proponent, opponent, or representative of a proponent or opponent, of an initiative, referendum, or recall measure, or of a charter amendment, shall not solicit the vote of a person voting by internet ballot, or do any electioneering, while in the residence or in the immediate presence of the voter, and during the time that person knows the voter is voting by internet ballot.

(b) Any person who knowingly violates this section is guilty of a misdemeanor.

(c) This section does not apply if the voter voting by internet ballot willingly places themselves in the presence of electioneering material.

(d) This section shall not be construed to conflict with any provision of the federal Voting Rights Act of 1965, as amended, nor to preclude electioneering by mail or telephone or in public places, except as prohibited by Section 18370, or by any other provision of law.

SEC. 3. Section 18564.1 is added to the Elections Code, to read:

18564.1. Any person is guilty of a felony, punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three, or four years who, before or during an election:

(a) Tamper with, interferes with, or attempts to interfere with, the correct

operation of, or willfully damages in order to prevent the use of, any internet voting machine or internet voting system, including any related software program source codes.

(b) Interferes or attempts to interfere with the secrecy of voting or ballot tally software program source codes for internet voting.

(c) Knowingly, and without authorization, makes or has in that person's possession a key to an internet voting machine that has been certified and will be used in elections in this state.

(d) Willfully substitutes or attempts to substitute forged or counterfeit ballot tally software program source codes for internet voting.

(e) Otherwise interferes with the casting of an internet ballot with the intention of depriving the voter of the opportunity to vote.

SEC. 4. Section 18579 is added to the Elections Code, to read:

18579. Any person who applies for, or who votes or attempts to vote, an internet ballot by fraudulently signing the name of a fictitious person, or of a regularly qualified voter, or of a person who is not qualified to vote, is guilty of a felony punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years, by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

NOTICE TO THE PUBLIC:

YOU HAVE THE RIGHT TO SEE AN "OFFICIAL TOP FUNDERS" SHEET.

THIS PETITION MAY BE CIRCULATED BY A PAID PETITION GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

THE PROPONENTS OF THIS PROPOSED INITIATIVE MEASURE HAVE THE RIGHT TO WITHDRAW THE PETITION AT ANY TIME BEFORE THE MEASURE QUALIFIES FOR THE BALLOT.

The signer of this petition must be registered to vote in _____ County. (Use blue/black ballpoint ink pen only to fill out entire petition!) (Please write the California County where the voter is legally registered to vote in here.)		This column for official use only
REGISTERED VOTERS ONLY	1. Residence _____ Print Your Name: _____ Address ONLY: _____ (clearly print full name as registered to vote—include middle initial) (physical address only—No P.O. Boxes—No abbreviations)	DO NOT WRITE
	Sign As _____ Registered To Vote: _____ City: _____ Zip _____ (Using blue/black ballpoint ink pen—sign as legally registered to vote) (print full city name —No abbreviations—must be CA voter)	

DECLARATION OF CIRCULATOR (To be completed after the above signature has been obtained and before turning in.)

I, _____, am 18 years of age or older. (Special Note: All sections must be filled out in circulator's OWN hand. Additionally, voters can sign their own petition as the circulator, but all sections **MUST** be filled out.)
(Using only blue/black ballpoint ink pen, print full legal name—include middle initial)

My residence address is _____
(physical address only—street number, name, city, state, zip) (No P.O. Boxes—No Abbreviations)

I circulated this section of the petition and witnessed each of the appended signatures being written. Each of the signatures on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be.

All signatures on this document were obtained between the dates of _____ and _____
(month / day / year) (month / day / year)

I certify under penalty of perjury under the laws of the State of California that the forgoing is true and correct.

Executed on _____, at _____ County, California. Signature of Circulator _____
(month / day) (year) (write county currently standing in when signing) (sign full legal name-include middle initial)

Each CA voter can sign ONLY ONE petition legally. Signature gatherers can witness as many (ONE TIME) voter signatures as they can get!

For more information on this Statewide Initiative Proposal please go to: <https://www.cirrra.com>

Please Return ALL Completed Petitions To: CIRRRA Initiative, P.O. Box 691, Placerville, CA 95667

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To the Honorable Secretary of State of California:

We, the undersigned, registered, qualified voters of California, residents of the County (or City and County) referenced on the signature page of this petition, hereby propose amendments to the California Elections Code, relating to Initiative Referendum and Recall reform, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or as otherwise provided by law.

The proposed statutory amendments read as follows:

SECTION 1. Division 4.5 (commencing with Section 4500) is added to the Elections Code, to read:

DIVISION 4.5. INTERNET VOTING

4500. For the purposes of this division:

(a) "Internet ballot" means a secure and secret electronic form, upon which appears the names of candidates and ballot titles of measures to be voted on, and which is accessed by using an internet voting machine.

(b) "Internet voting" means the casting of an internet ballot that is transmitted to elections officials using the internet.

(c) "Internet voting machine" means a voting machine that allows a voter to cast an internet ballot over the internet.

(d) "Internet voting system" means a voting system that uses internet ballots to allow voters to transmit their voted ballot to elections officials over the internet.

(e) "Polling place internet voting" means the use of internet voting machines at traditional polling places staffed by elections officials who assist in the authentication of voters before ballots are cast.

(f) "Remote internet voting" means the unsupervised use of an internet voting machine to cast a ballot over the internet using an electronic device that is not necessarily owned and operated by elections personnel.

(g) "Voter intent" means the choice of the voter as expressed on a voted ballot.

4501. (a) No later than 90 days before the next statewide election after this section takes effect, the Secretary of State shall develop an internet voting system that gives any registered voter the option to cast an internet ballot using polling place internet voting.

(b) No later than 90 days before the next statewide election subsequent to the statewide election described in subdivision (a), the Secretary of State shall expand the internet voting system described in subdivision (a) to give any registered voter the option to cast an internet ballot using polling place internet voting or remote internet voting.

4502. The polling place internet voting system described in subdivision (a) of Section 4501 shall have the following characteristics:

(a) Any voter who submits a request for an internet ballot under the requirements of this division shall have the option to vote by internet ballot at that voter's polling place. The elections official shall obtain sufficient polling place internet voting equipment, of a type certified by the Secretary of State, in order to meet this requirement.

(b) A polling place internet voting machine shall be available for use by an eligible voter during any hour that polls are open at the polling place.

(c) Before any voter enters a voting booth with an internet voting machine, the precinct board shall ascertain that the voter is entitled to vote by internet voting.

(d) Before presenting a voter with an internet ballot, the internet voting machine shall ascertain the identity of the voter by requiring the voter to input either the voter's driver's license number or the last four digits of the voter's social security number, whichever the voter included on the voter's affidavit of registration in accordance with Section 2150.

(e) An internet ballot shall comply with the requirements of Chapter 2 (commencing with Section 13100) of Division 13.

(f) Upon casting an internet ballot, a voter shall receive an encrypted receipt via email or other applicable electronic means as designated by the voter. The internet voting machine shall prepare a paper receipt and shall also display a message indicating that the voter's ballot was successfully submitted. The receipts described in this subdivision shall contain unique identifiers specific to the individual voter and the individual

internet voting machine used by the voter.

(g) Using the receipts described in subdivision (f), a voter shall be able to confirm whether or not the voter's internet ballot was received and counted by the elections official and whether the internet ballot, as received and counted, reflected the voter's intent.

(h) The elections official shall establish procedures to ensure the secrecy of the internet ballot and the security, confidentiality, and integrity of any personal information collected, stored, or otherwise used pursuant to this section.

(i) Each internet voting machine shall be registered by the Secretary of State and shall have a unique identifier specific to that device. The Secretary of State shall certify only one type of internet voting machine and software for use in the polling place internet voting system.

4503. The remote internet voting system described in subdivision (a) of Section 4501 shall meet the requirements specified in subdivisions (d) to (h), inclusive, of Section 4502, and shall have the following additional characteristics:

(a) After the elections official has received and processed a voter's request for an internet ballot, the voter shall have until the close of the polls on election day to complete and submit the internet ballot. A voter shall be able to partially complete and save the voter's entries on the internet ballot before completing and casting the internet ballot at a later date.

(b) Notwithstanding subdivision (a), a voter who receives an error message upon casting the internet ballot or who otherwise is unable to confirm that the voter's ballot was received and counted by the elections official pursuant to subdivision (g) of Section 4502 shall have up to three days after election day to cure the error. The Secretary of State shall establish a procedure for a voter to cure an error under this subdivision in coordination with the local elections official.

(c) The Secretary of State shall establish procedures to ensure the secrecy of the internet ballot and the security, confidentiality, and integrity of any personal information collected, stored, or otherwise used pursuant to this section.

(d) The procedures established pursuant to subdivision (c) shall include two-factor authentication to confirm the identity of the voter.

4504. An application for an internet ballot shall be made in writing to the elections official having jurisdiction over the election between the 29th and the 7th day prior to the election. The application shall be signed by the applicant. Any applications received by the elections official prior to the 29th day shall be kept and processed during the application period. The elections official shall have five days to process an application for each person who has requested an internet ballot by the 29th day before the day of the election and five days for each voter who requests an internet ballot after that date. The elections official shall notify each voter by the means specified in the voter's application for an internet ballot that the application has been accepted and processed.

4505. (a) The Secretary of State shall prepare and distribute to appropriate elections officials a uniform application form, in both print and electronic formats, for an application for an internet ballot.

(b) The uniform application shall inform the voter that the application for an internet ballot must be received by the elections official not later than seven days prior to the date of the election and shall contain spaces for at least the following information:

- (1) The name and residence address of the registered voter as it appears on the affidavit of registration.
- (2) The email address to which notifications and receipts are to be sent.
- (3) The name and date of the election for which the request is made.

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(4) The date of birth of the registered voter.

(c) The uniform application shall inform the voter that if the voter has declined to disclose a preference for a political party, the voter may request an internet ballot for a particular political party for the partisan primary election, if that political party has adopted a party rule, duly noticed to the Secretary of State, authorizing that vote. The application shall 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. The application shall list the parties that have notified the Secretary of State of the adoption of such a rule. The application shall contain a checkoff box with a conspicuously printed statement that reads substantially similar to the following: “I have declined to disclose a preference for a qualified political party. However, for this primary election only, I request an internet ballot for the ____ Party.” The name of the political party shall be personally affixed by the voter.

(d) The uniform application shall contain a conspicuously printed statement substantially similar to the following: “Only the registered voter may apply for an internet ballot. An application for an internet ballot made by a person other than the registered voter is a criminal offense.”

(e) The uniform application shall include a statement substantially similar to the following: “You will not receive an internet ballot if this application is incomplete or inaccurate.”

(f) The uniform electronic application format shall not permit the form to be electronically submitted unless all of the information required to complete the application is contained in the appropriate fields.

(g) The elections official shall include with the county voter information guide an application for an internet ballot.

4506. (a) The elections official may offer a voter the ability to electronically apply for an internet ballot. If the elections official offers the uniform electronic application described in Section 4505, the electronic application shall be in an interactive internet format to be completed through the elections official’s secure internet website and shall not be a downloadable form. The nondownloadable form shall be of a format that would allow the registered voter making an application for a voter’s internet ballot to enter the required information and submit the single form directly to the elections official’s secure internet website. The elections official shall make every effort to ensure the security of the submitted information.

(b) Except as provided in this section, all provisions of this code governing written applications for internet ballots apply to electronic applications.

4507. (a) An elections official may offer a voter the ability to apply for an internet ballot by telephone.

(b) To apply by telephone, the applicant shall provide to the elections official personal identifying information that matches the information contained on the applicant’s affidavit of registration, including first and last name, home address, and date of birth. The elections official shall mail or email to the applicant a form to obtain the applicant’s signature.

(c) A person shall not apply for an internet ballot pursuant to this section using the name of, or on behalf of, another person.

(d) Prior to being asked for personal identifying information, an applicant applying for an internet ballot pursuant to this section shall be advised as follows: “Only the registered voter may apply for an internet ballot. An application for an internet ballot that is made by any person other than the registered voter is a criminal offense.”

(e) Except as otherwise provided in this section, all provisions of this code governing written applications for internet ballots apply to applications made by telephone.

4508. (a) Upon receiving an application for an internet ballot that contains the required information within the proper time, the elections official shall check the information provided against the voter’s information on file.

(b) If the elections official determines that the voter is entitled to an internet ballot, the elections official shall notify the voter by the means requested by the voter

on the application. The elections official then shall take whatever steps are necessary under the internet voting system to make the internet ballot active for access by the voter.

(c) If the elections official determines that an application for an internet ballot does not contain all of the required information, or for any other reason is defective, the elections official shall mail the voter a notice of defect. The notice of defect shall do both of the following:

(1) Specifically inform the voter of the information that is required or the reason the application is defective.

(2) State the procedure necessary to remedy the defective application.

4509. (a) A voter who submitted a request for an internet ballot and returns to the polling place designated for their home precinct on or before election day, or goes to a vote center established pursuant to Section 4005 or to the office or satellite office of an elections official where voting is permitted, shall be permitted to vote a nonprovisional ballot if the precinct board, vote center election board, or elections official does both of the following:

(1) Verifies that the voter’s internet ballot has not been submitted.

(2) Notates their voter records to ensure that the voter’s internet ballot is not cast or tabulated after the voter votes at the polls.

(b) A voter who submitted a request for an internet ballot and returns to the polling place designated for their home precinct on or before election day, or goes to a vote center established pursuant to Section 4005 or to the office or satellite office of an elections official where voting is permitted, shall be issued a provisional ballot in accordance with Section 14310 if either or both of the conditions in subdivision (a) is not satisfied.

4510. (a) The internet voting system developed by the Secretary of State pursuant to this division shall allow a voter to electronically sign an internet ballot. The system developed pursuant to this division shall enable the Secretary of State and local elections officials to verify the authenticity of an electronic signature and to compare the electronic signature to the voter’s handwritten signature on an affidavit.

(b) Notwithstanding Section 16.5 of the Government Code, an electronic signature submitted in accordance with this section may be used to sign an internet ballot or an application for an internet ballot. The signature and information obtained pursuant to this section shall be deemed to be personally affixed to the ballot or application, and the signature shall be treated as a “signature” as defined in Section 354.5.

4511. (a) (1) Upon receiving an internet ballot, the elections official shall compare the electronic signature with either of the following to determine if they are of the same voter:

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

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

(2) In comparing signatures pursuant to this section, the elections official may use facsimiles of voters’ signatures, provided that the method of preparing and displaying the facsimiles complies with the law.

(3) In comparing signatures pursuant to this section, an elections official may use signature verification technology. If signature verification technology determines that the signatures do not match, the elections official shall visually examine the signatures and verify that the signatures do not compare.

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

(b) If upon conducting the comparison of signatures pursuant to subdivision (a) the elections official determines that the signatures compare, the elections official shall deposit a paper receipt of the ballot, in a secured envelope, in a ballot container in the elections official’s office.

(c) If upon conducting the comparison of signatures pursuant to subdivision

(a) the elections official determines that the signatures do not match, the ballot

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shall not be counted. The elections official shall write the cause of the rejection on the face on a paper receipt specific to that ballot only after completing the procedures described in subdivision (d).

(d) (1) A minimum of eight days prior to the certification of the election, the elections official shall provide notice to all voters identified pursuant to subdivision (c) of the opportunity to verify their signatures no later than 5 p.m. two days prior to the certification of the election.

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

“READ THESE INSTRUCTIONS CAREFULLY. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR INTERNET BALLOT NOT TO COUNT.

1. We have determined that the signature you provided on your internet ballot does not match the signature(s) on file in your voter record. In order to ensure that your internet ballot will be counted, the signature verification statement must be completed and returned as soon as possible.

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

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

4. Place the signature verification statement into a mailing envelope addressed to your local elections official. Mail, deliver, or have the completed statement delivered to the elections official. Be sure there is sufficient postage if mailed and that the address of the elections official is correct.

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

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

(4) The elections official shall not reject an internet ballot identified pursuant to subdivision (c) if each of the following conditions is satisfied:

(A) The voter delivers, in person, by mail, by fax, or by email, a signature verification statement signed by the voter and the elections official receives the statement no later than 5 p.m. two days prior to the certification of the election, or the voter, before the close of the polls on election day, completes and submits a signature verification statement to a polling place within the county or a ballot dropoff box.

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

(i) If upon conducting the comparison of signatures the elections official determines that the signatures compare, the elections official shall deposit a paper receipt of the ballot, in a secured envelope, in a ballot container in the elections official’s office.

(ii) If upon conducting the comparison of the signatures the elections official determines that the signatures do not compare, the ballot shall not be counted. The elections official shall write the cause of the rejection on a paper receipt specific to that ballot.

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

“SIGNATURE VERIFICATION STATEMENT

I, _____, am a registered voter of _____ County,

State of California. I declare under penalty of perjury that I requested and voted an internet ballot. I am a resident of the precinct in which I have voted, and I am the person whose name appears on the internet ballot. I understand that if I commit or attempt any fraud in connection with voting, or if I aid or abet fraud

or attempt to aid or abet fraud in connection with voting, I may be convicted of a felony punishable by imprisonment for 16 months or two or three years. I understand that my failure to sign this statement means that my internet ballot will be invalidated.

Voter’s Signature

Address”

(6) An elections official shall include the internet ballot signature verification statement and instructions provided in this subdivision on the elections official’s internet website and shall provide the elections official’s mailing address, email address, and facsimile transmission number on the internet web page containing the statement and instructions.

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

(e) A ballot or ballot receipt shall not be removed from its secured envelope until the time for processing ballots. A ballot shall not be rejected for cause after the envelope has been opened.

(f) An elections official shall keep a record of each internet ballot rejected under this section and the reasons for the rejection. This information shall be made available, without disclosing any personal information of the voter who submitted the ballot, in any subsequent audit of the election.

4512. With assistance from the Secretary of State, the elections official shall establish procedures to track and confirm the receipt of voted internet ballots and to make this information available by means of online access using the county’s elections division internet website. If the county does not have an elections division internet website, the elections official shall establish a toll-free telephone number that may be used to confirm the date a voted internet ballot was received.

4513. The internet voting system developed by the Secretary of State pursuant to this division shall include an accessible voter verified audit trail, using paper, compact disc, or other hard copy format approved by the Secretary of State. Hard copy receipts of each ballot shall be retained by the elections official, the Secretary of State, and a third party selected by the Secretary of State for a period of at least 22 months.

4514. Internet ballots, applications for an internet ballot, and any other documents or materials prepared pursuant to this division shall be made available in English and other languages in accordance with Section 14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

4515. (a) Within three days following the certification of any election, the elections official shall publish the following information from that election on the website of the relevant jurisdiction:

(1) The number of applications for an internet ballot received by the elections official.

(2) The number of applications for an internet ballot approved by the elections official.

(3) The number of internet ballots cast at the election.

(4) The number of voters who applied for an internet ballot but cast a ballot by another means.

(5) The number of internet ballots that were cast but not counted.

(6) Such additional information as the Secretary of State may require.

(b) Within three days following the certification of any statewide election, the Secretary of State shall post the statewide totals of the information described in paragraphs (1) through (6) from that election on the Secretary of State’s website.

4516. From moneys appropriated by the Legislature, the Controller shall reimburse elections officials for additional costs incurred by complying with this division.

SEC. 2. Section 18372 is added to the Elections Code, to read: