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Voter Registration Finally Catches a Ride on the Wave of the Future—Online Absentee Applications Permitted

Jamie Veater

Code Sections Affected

Elections Code §§ 3001, 3008 (amended); §§ 3007.5, 3007.7, 18107.5 (new).
AB 2277 (Keeley); 2002 STAT. Ch. 753.

I. INTRODUCTION

An increasing number of voters choose to vote by absentee ballot in California.¹ The Secretary of State estimates that approximately thirty percent of voters vote by absentee ballot.² However, prior to Chapter 753, in order to use an absentee ballot a voter had to apply in writing.³ The application form could be obtained through the county election official, a third party,⁴ or downloaded and returned by mail.⁵ The voter would sign the application, send it in,⁶ and receive an absentee ballot after the application was processed.⁷ On average, this process could take four to five days.⁸

Chapter 753 shortens the process by allowing voters to apply online for an absentee ballot.⁹ This bill was created to make the registration process quicker

1. ASSEMBLY COMMITTEE ON ELECTIONS AND APPROPRIATIONS, COMMITTEE ANALYSIS OF AB 2277, at 3 (May 15, 2002).

2. *See id.* (stating that this number will likely increase with the passage of recent legislation allowing voters to apply for permanent absentee voter status).

3. *See* SENATE COMMITTEE ON ELECTIONS AND REAPPORTIONMENT, COMMITTEE ANALYSIS OF AB 2277, at 1 (June 19, 2002) (discussing the application process in place before the passage of AB 2277).

4. ASSEMBLY COMMITTEE ON ELECTIONS AND APPROPRIATIONS, COMMITTEE ANALYSIS OF AB 2277, at 2 (May 15, 2002).

5. *See* SENATE COMMITTEE ON ELECTIONS AND REAPPORTIONMENT, COMMITTEE ANALYSIS OF AB 2277, at 1 (June 19, 2002) (stating that the Secretary of State has a downloadable application form available online that the voter can fill out and return by mail).

6. *See id.* (same).

7. *See* ASSEMBLY COMMITTEE ON ELECTIONS AND APPROPRIATIONS, COMMITTEE ANALYSIS OF AB 2277, at 2 (May 15, 2002) (explaining that the traditional method of applying for an absentee ballot required a voter to mail in the application, which took an average of four to five days for the election official to receive and process before sending a ballot to the voter).

8. *Id.*

9. *See* CAL. ELEC. CODE § 3007.5 (enacted by Chapter 753) (mandating that the Secretary of State prepare and distribute an electronic application for an absent voter's ballot conforming to the requirements of the statute).

“by removing [many] unnecessary restrictions.”¹⁰ Chapter 753 enables voters to log onto their county election official’s secure Internet site and submit their application for an absentee ballot.¹¹ By using the Internet, the application process will be reduced to two days.¹² In addition, this system will reduce common data-entry errors, lessen subsequent erroneous ballot deliveries, and eliminate the cost to the voter for mailing the application.¹³ Finally, many hope that Chapter 753 will result in increased voter participation because electronic requests for ballots will be more convenient for voters than the traditional system.¹⁴

II. LEGAL BACKGROUND

Prior to Chapter 753, a voter could apply for an absentee ballot only by submitting a written application.¹⁵ Despite Chapter 753, the written application system for absentee ballots remains in effect.¹⁶ Under this system, a voter must first request a ballot by mailing in a form application.¹⁷ The application can be obtained either from the county election official or from a third party.¹⁸ The application forms are available in either a hard copy or downloadable form

10. See ASSEMBLY COMMITTEE ON ELECTIONS AND APPROPRIATIONS, COMMITTEE ANALYSIS OF AB 2277, at 2 (May 15, 2002) (stating that the purpose of Chapter 753 is “to increase voter participation by ‘removing unnecessary restrictions on obtaining a ballot while preserving the integrity of the election.’”).

11. See *id.* at 3 (discussing that Chapter 753 will allow for an interactive application to be made available to voters through the county elections official’s secure Internet site but that a downloadable application form is prohibited).

12. See *id.* at 2 (describing the traditional system in which the voter had to fill out the application by hand and mail it in to be processed, which “require[d] an average of [four] to [five] days,” and emphasizing that under Chapter 753 the process will be more efficient by “reduc[ing] this cycle to [two] days”); Letter from Warren Slocum, Chief Elections Officer and Assessor-County Clerk-Recorder, San Mateo County, to Fred Keeley, Assembly Speaker Pro Tem (Apr. 8, 2002) [hereinafter Slocum Letter] (on file with the *McGeorge Law Review*) (stating that “[t]he traditional method to apply for absentee ballots by mail requires an average of [four] to [five] days for an elections office to receive, process, and sent the ballot.”)

13. See ASSEMBLY COMMITTEE ON ELECTIONS AND APPROPRIATIONS, COMMITTEE ANALYSIS OF AB 2277, at 2 (May 15, 2002) (describing the benefits of allowing electronic applications as “a reduction in data entry errors and subsequent erroneous delivery of ballots, an elimination in the cost to voters for postage on applications, and a reduction in the time required for applications to be processed and ballots to be mailed to voters.”).

14. *Id.*

15. See SENATE COMMITTEE ON ELECTIONS AND REAPPORTIONMENT, COMMITTEE ANALYSIS OF AB 2277, at 1 (June 19, 2002) (stating that existing law requires citizens wishing to vote by absentee ballot to submit a written application that is signed by that registered voter).

16. See CAL. ELEC. CODE § 3007.7(a) (enacted by Chapter 753) (providing that [t]he local elections official *may* offer a voter the ability to electronically apply for an absent voter’s ballot.” (emphasis added) “*If* the local elections official offers the uniform electronic application” it has to be in interactive form; therefore it is inferred that the election official may keep the written system in place if she chooses). *Id.* (emphasis added).

17. See ASSEMBLY COMMITTEE ON ELECTIONS AND APPROPRIATIONS, COMMITTEE ANALYSIS OF AB 2277, at 2 (May 15, 2002) (describing the requirement under existing law of mailing in an application in order to receive an absentee ballot).

18. *Id.*

online, and both forms have to be signed and returned.¹⁹ After the form is submitted, the election official checks the signature on the application against the voter's signature on her registration card.²⁰

Existing law also requires that applications for an absentee ballot be returned to the election official's office sometime between the twenty-ninth and the seventh day before the election.²¹ If a voter returns a written application for an absentee ballot that is incomplete, the voter will still be mailed an absentee ballot with instructions on how to remedy the defect in the application.²² However, with the increased use of the Internet, the question arose as to whether the Internet could be used in connection with California's voting system.²³

III. CHAPTER 753

A. *In General*

Chapter 753 seeks to increase voter participation by improving California's election system through the use of current Internet technology.²⁴ Under its provisions, a voter will be permitted to submit an application for an absentee ballot either in writing or electronically via the Internet.²⁵ However, while election officials have the option to offer voters the chance to apply electronically for an absentee ballot, they are not required to do so under Chapter 753.²⁶

19. See SENATE COMMITTEE ON ELECTIONS AND REAPPORTIONMENT, COMMITTEE ANALYSIS OF AB 2277, at 1 (June 19, 2002) (describing an application form, available through the Secretary of State's office that can be downloaded and returned by mail).

20. See SENATE COMMITTEE ON ELECTIONS AND REAPPORTIONMENT, COMMITTEE ANALYSIS OF AB 2277, at 1 (June 19, 2002) (discussing the process that a written application goes through under current law). First, the application is signed by the voter and then mailed in. *Id.* When received, the signature is checked either against the voter's affidavit or the election official may wait to check the signature against the signature on the ballot. *Id.*

21. See CAL. ELEC. CODE § 3001 (amended by Chapter 753) (mandating that, except for the addition of the electronic application, all applications must be made in writing and have to be received by the election official with proper jurisdiction between the twenty-ninth and the seventh day prior to the election).

22. See *id.* § 3009(c) (West 1996) (stating that if the election official determines that a voter submitted an incomplete application, the voter will be mailed an absentee ballot along with a notice explaining that the vote will not be counted until the defect in the application is corrected).

23. See Telephone Interview with Jeff Gozzo, Legislative Assistant, Assemblymember Dave Keeley (July 24, 2002) [hereinafter Gozzo Interview] (notes on file with the *McGeorge Law Review*) (describing the suggestion from an election official from Santa Cruz County that the Internet be used to make the voting process easier and more accessible, leading to the creation of AB 2277).

24. See 2002 Cal. Legis. Serv. Ch. 753, sec. 1(b), (d) (explaining that California can increase voter participation by using "current and emerging technologies" to improve the State's election system, including "utiliz[ing] current Internet technology security" to submit an electronic application for an absentee ballot).

25. See CAL. ELEC. CODE § 3001 (amended by Chapter 753) (stating that except as provided in section 3007.5, which allows for a uniform electronic application, an application for an absentee ballot must be made in writing to the election official with jurisdiction between the twenty-ninth and the seventh day prior to the election).

26. See CAL. ELEC. CODE § 3007(a) (enacted by Chapter 753) (noting that a written system remains in place).

In order to monitor the new system implemented by this bill, the Secretary of State is required to report to the Legislature the impact of allowing voters to apply for an absentee ballot online “within one year of the first statewide election following implementation of [Chapter 753].”²⁷

B. Form of the Application

The Secretary of State will prepare and distribute the uniform electronic application to all appropriate election officials.²⁸ The application must be “an interactive Internet format . . . [that can only] be completed through the local election official’s secure Internet site.”²⁹ However, the application shall not be made available in a downloadable format.³⁰ In order to receive a ballot, a voter must submit an electronic application between the twenty-ninth and the seventh day prior to the election.³¹

The application must contain spaces for the voter to fill in her name, residence address, address to which the ballot is to be mailed, the name and date of the election, the date by which election official must receive the application, and the voter’s date of birth.³² The address to which the ballot will be mailed is important because a ballot cannot be forwarded.³³ In addition, the address entered on the form may not be that of any political party, campaign headquarters, or a candidate’s residence.³⁴ However, Chapter 753 does not prohibit a candidate, her family, or anyone living at the candidate’s address from requesting that an absentee ballot be sent to the candidate’s address.³⁵

27. See 2002 Cal. Legis. Serv. ch. 753, sec. 7 (mandating that the Secretary of State must report the impact of this act to the Legislature within one year of the first statewide election after it is implemented to see what the impact is, if any, including whether there is increased voter participation).

28. See CAL. ELEC. CODE § 3007.5(a) (enacted by Chapter 753) (providing that “[t]he Secretary of State shall prepare and distribute to appropriate elections officials a uniform electronic application format for an absent voter’s ballot that conforms to [Chapter 753].”).

29. *Id.* § 3007.7(a) (enacted by Chapter 753).

30. *Id.*

31. See *id.* § 3007.7(e) (enacted by Chapter 753) (explaining that the electronic application deadlines are the same as those pertaining to absentee ballots that are made in writing); *id.* §3001 (providing specific deadlines for application submission).

32. See *id.* § 3007.5 (b)(1)-(5) (enacted by Chapter 753) (discussing the requirements for the uniform electronic application:

[it] 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 address to which the ballot is to be mailed. (3) The name and date of the election for which the request is being made. (4) The date the application must be received by the elections official. (5) The date of birth of the registered voter.).

33. See *id.* § 3008(b) (amended by Chapter 753) (stating that an absentee ballot that is returned as undeliverable will not be forwarded to the voter).

34. See CAL. ELEC. CODE § 3007.7(d) (enacted by Chapter 753).

35. *Id.*

The uniform electronic application must also include a conspicuously placed statement informing the applicant that only the registered voter may apply for her absentee ballot and that if someone other than the registered voter attempts to fill out the application she will be guilty of an infraction.³⁶ Additionally, the application must contain a statement that the voter will not receive a ballot unless the application is fully and correctly completed.³⁷ To ensure the application is complete, the format of the application will require that it cannot be electronically submitted unless all of the required fields are completed.³⁸ Once all fields contain the required information, the voter can submit the “form directly to the local election official’s secure Internet site,” and the processing for a ballot will begin.³⁹ Finally, the application will “inform the voter that if . . . she is not affiliated with a political party, [she] may request an absentee ballot for a particular political party for the primary election, if that political party has adopted a party rule . . . authorizing that vote.”⁴⁰

C. Processing of the Application

Once the completed application is received within the required time, the election official must verify the information provided in the application using the voter’s information on file with the election official’s office.⁴¹ If the election official finds that the information on the application is complete and accurate, then she will deliver a ballot to the voter.⁴² However, if the election official finds that the application does not have all of the required information, the election official cannot deliver the ballot.⁴³ Instead, the voter will be mailed a notice of defect notifying the voter of the information needed, or the reason the application is defective, and how the defect can be remedied.⁴⁴

36. *Id.* § 3007.5(d) (enacted by Chapter 753).

37. *See id.* § 3007.5(e) (enacted by Chapter 753) (stating that the uniform electronic application will include the statement that “a ballot will not be sent to [the voter] if the [the] application is incomplete or inaccurate”).

38. *Id.* § 3007.5(f) (enacted by Chapter 753).

39. *See id.* § 3007.7(a) (enacted by Chapter 753) (allowing for the voter to submit the application directly to the office of the local election official’s secure site as soon as all of the required information is entered into the form).

40. *See* CAL. ELEC. CODE § 3007.5(c) (enacted by Chapter 753) (stating further that the application will give the voter a number to call to find out which parties have adopted such a rule, but it will also list the parties that have notified the Secretary of State that they have such a rule). There will also be a box in which a voter can check off that this is what she wishes to do and she can fill in which party’s ballot she is requesting. *Id.*

41. *Id.* § 3007.7(b) (enacted by Chapter 753).

42. *See id.* (stating that the election official shall either deliver in person or mail the voter a ballot).

43. *See id.* § 3007.7(c) (enacted by Chapter 753) (stating that if the application is deemed to be lacking the required information, or is for any reason defective, and the election official is unable to find the voter’s address, the election official “may not mail the voter an absent voter’s ballot, but shall mail the voter a notice of defect.”).

44. *Id.* §§ 3007.7(c)(1)-(2) (enacted by Chapter 753).

D. Violations

Under Chapter 753, a person who attempts to fill out an electronic application for another registered voter is guilty of an infraction and will be punished by a fine of two hundred dollars per application.⁴⁵

IV. ANALYSIS OF THE NEW LAW

Prior to Chapter 753, a voter only had the option of applying for an absentee ballot through a written application sent in by mail.⁴⁶ Chapter 753 changes this scenario by allowing voters to apply online through a secure website run by the local election official.⁴⁷

First, Chapter 753 creates a more efficient system by eliminating the delay between the time a voter requests an absentee ballot via mail and the time the voter actually received the ballot.⁴⁸ Under Chapter 753, this process is shortened to two days, because of the more efficient receipt and processing of the application.⁴⁹ The process is also easier because the voter's information is already entered into the electronic form and therefore does not require the election official's employees to wait for the mail and manually enter the information.⁵⁰ Because the information is already entered into the computer, there is likely to be less data-entry errors and therefore a reduction in the subsequent erroneous ballot deliveries.⁵¹ Under Chapter 753, the information is instantaneously received and immediately processed.⁵²

The Legislature hopes that the use of the Internet in voting will increase voter participation by making voting more accessible to students away from home, military personnel, and others who lack the time to comply with the current system.⁵³ Participation may also increase among individuals who prefer

45. See *id.* § 18107.5 (enacted by Chapter 753) (stating that anyone "who willfully violates [section 3008(c) of the California Election Code] is guilty of an infraction, punishable by a fine not to exceed two hundred dollars per application.").

46. SENATE COMMITTEE ON ELECTIONS AND REAPPORTIONMENT, COMMITTEE ANALYSIS OF AB 2277, at 1 (June 19, 2002).

47. See CAL. ELEC. CODE § 3007.7(a) (enacted by Chapter 753) (describing the online application process).

48. ASSEMBLY COMMITTEE ON ELECTIONS AND APPROPRIATIONS, COMMITTEE ANALYSIS OF AB 2277, at 2 (May 15, 2002).

49. See *id.* (explaining that Chapter 753 will shorten the cycle to two days because "[it] will allow elections officials to more efficiently receive, accept, and process absentee ballot applications.").

50. Gozzo Interview, *supra* note 23.

51. ASSEMBLY COMMITTEE ON ELECTIONS AND APPROPRIATIONS, COMMITTEE ANALYSIS OF AB 2277, at 2 (May 15, 2002).

52. Gozzo Interview *supra* note 23.

53. See *id.* (discussing the people who could benefit by having an online application available for absentee ballots); see also Letter from Alexander Arteaga, Director of Legislative Affairs, University of California Student Association, to John Longville, Assemblymember (Apr. 13, 2002) (on file with the *McGeorge Law Review*) (stating that "[s]tudent participation is [sic] the political process is the lowest among

computers due to the ease and quickness of the electronic application system.⁵⁴ However, the traditional written system will remain in place for individuals who prefer to submit a written application.⁵⁵ Finally, the Legislature believes that “removing ‘unnecessary restrictions on obtaining [an absentee] ballot’” will increase voter participation.⁵⁶

Under the traditional system, the voter is required to sign the application before mailing it to the election official.⁵⁷ In counties where digital signatures are not available, Chapter 753 requires that voters submit their date of birth as a means of identification instead.⁵⁸ When applying in writing, voters were not required to submit their date of birth.⁵⁹ However, the voter’s date of birth is one of the “[f]ew pieces of information available [to] county election official[s]” that can serve as a valid means to verify the voter’s identity when applying electronically.⁶⁰

There is concern that the use of the voter’s birth date as a means of identification will increase the number of fraudulent applications because voter rolls, which are available to all candidates and committees, contain voters’ birth dates and addresses.⁶¹ The voter rolls are “relatively easy to obtain”; therefore, someone “could take the list to a public computer and apply for absentee ballot for [each of the voters] on the list.”⁶² However, under Chapter 753, the absentee ballot itself must contain a valid signature of the registered voter in order to be processed and counted.⁶³ Therefore, a person could not request applications for everyone on the voter roll and submit ballots to be counted because they would

any age group,” and that “this legislation will at least make acquiring an absentee ballot more accessible to our students and in turn increase the number of students who register and participate in our electoral process.”); Letter from Richard W. Bedal, County Clerk, Santa Cruz County, to Fred Keeley, Assembly Speaker Pro Tem (Mar. 26, 2002) (on file with the *McGeorge Law Review*) (explaining that this bill will benefit voters who are absent from their district or who would rather use the Internet than mail in the application).

54. Gozzo Interview, *supra* note 23 (discussing the time frame for processing an application under Chapter 753).

55. See CAL. ELEC. CODE § 3007.7(a) (enacted by Chapter 753) (providing the inference that local elections officials may keep the written system in place if she chooses, because the statutory language tells the official that she “may” offer the electronic application, and “if” she does, the required format).

56. ASSEMBLY COMMITTEE ON ELECTIONS AND APPROPRIATIONS, COMMITTEE ANALYSIS OF AB 2277, at 2 (May 15, 2002).

57. See SENATE COMMITTEE ON ELECTIONS AND REAPPORTIONMENT, COMMITTEE ANALYSIS OF AB 2277, at 1 (June 19, 2002) (discussing the requirement under existing law that the application for an absentee be signed by the voter and that the signature then be checked against the voter’s affidavit of registration for verification).

58. See SENATE RULES COMMITTEE, COMMITTEE ANALYSIS OF AB 2277, at 1-2 (Aug. 7, 2002) (explaining that many voters and counties are unable “to submit a digitized signature electronically,” and therefore “under this bill, a voter requesting a ballot electronically will be required to submit his or her date of birth.”).

59. *Id.* at 2 .

60. *Id.*

61. *Id.*

62. *Id.*

63. SENATE RULES COMMITTEE, COMMITTEE ANALYSIS OF AB 2277, at 2 (Aug. 7, 2002).

be discarded after a final check comparing the signature on the ballot to the signature on the registration card on file with the election official's office.⁶⁴ As a result, this process does not increase the system's exposure to fraud as the system fundamentally remains the same.⁶⁵ When receiving a written application, the election official often does not verify the signature on the application; instead he performs a final check of the signature on the ballot with the signature on the voter's registration card.⁶⁶ Therefore, no material difference exists in the system if the electronic application carries the date of birth instead of a signature, because signature verification still occurs between the ballot and voter registration card.⁶⁷

Chapter 753 ensures election integrity by prohibiting the election official from providing a downloadable application form in an effort to make the process more secure.⁶⁸ By ensuring that the application can only be submitted online, the election official can trace where the form came from.⁶⁹ Therefore, the election official can be reasonably sure that it was the registered voter who submitted the form.⁷⁰

Chapter 753 also avoids another kind of fraud. Under existing law, a person filing a written application for another registered voter is guilty of perjury, because of the signature requirement.⁷¹ Under Chapter 753, perjury charges will not prevent someone from attempting to submit an electronic application for another registered voter because the electronic application is not signed.⁷² Chapter 753 states that no one but the registered voter may submit an electronic application for an absentee ballot.⁷³ If someone does willfully violate the provisions of Chapter 753, that person will be found guilty of an infraction and subject to a fine of up to two hundred dollars per fraudulent application.⁷⁴

In addition, Chapter 753 alters the application process. If a voter submits an incomplete application she will not be sent an absentee ballot.⁷⁵ Under the traditional system, if a written application is incomplete when submitted, the

64. Gozzo Interview, *supra* note 23.

65. *Id.*

66. *Id.*

67. *Id.*

68. See CAL. ELEC. CODE § 3007.7 (enacted by Chapter 753); see also Gozzo Interview, *supra* note 23 (explaining the numerous concerns about someone being able to print multiple copies of the forms or forwarding them to others increasing the possibility of fraud).

69. See Gozzo Interview, *supra* note 23 (stating that when information is entered into a computer it remains on the computer making the information and the sender easier to track down).

70. See *id.* (same).

71. See *id.* (discussing the punishment for a violation of existing law as when a person fills out and submits a signed application for another registered voter).

72. *Id.*

73. CAL. ELEC. CODE § 3008(c) (amended by Chapter 753).

74. *Id.* § 18107.5 (enacted by Chapter 753).

75. *Id.* § 3007.7(c) (enacted by Chapter 753).

voter is still sent a ballot.⁷⁶ However, under Chapter 753, if the electronic application is incomplete the election official cannot send the voter a ballot; rather she must send the voter a notice of defect that tells the voter how the application is defective and how the voter can fix the application.⁷⁷ Until the defect is remedied and the application is deemed valid, the voter will not receive an absentee ballot.⁷⁸ By ensuring that only those who correctly complete the application receive an absentee ballot, there is a decreased possibility of fraud because it prevents ballots from being sent to persons who erroneously fill out applications, whether fraudulently or mistakenly.⁷⁹

To ensure that the provisions of Chapter 753 are followed, the bill imposes a two hundred dollar fine per application on anyone filling out and submitting an application for someone else.⁸⁰ This punishment is different from that imposed on those who submit traditional written applications under another voter's name, because wrongfully signing a written application results in perjury.⁸¹ Under Chapter 753, there is no perjury because the application is not signed; therefore the fine is imposed in an effort to deter the fraudulent submission of electronic applications.⁸²

V. CONCLUSION

Allowing voters to apply online for absentee ballots would likely increase voter participation due to the ease in which voters can apply for and receive an absentee ballot.⁸³ In addition to the ease of obtaining a ballot, Chapter 753 increases efficiency because the electronic application decreases the amount of time it takes to apply for and receive an application.⁸⁴ Chapter 753 also makes the process more efficient by reducing data-entry errors (common to the traditional system), erroneous ballot deliveries, and eliminating the cost of mailing an application.⁸⁵

76. SENATE RULES COMMITTEE, COMMITTEE ANALYSIS OF AB 2277, at 2 (Aug. 7, 2002).

77. SENATE COMMITTEE ON ELECTIONS AND REAPPORTIONMENT, COMMITTEE ANALYSIS OF AB 2277, at 1 (June 19, 2002).

78. SENATE RULES COMMITTEE, COMMITTEE ANALYSIS OF AB 2277, at 2 (Aug. 7, 2002).

79. See Slocum letter, *supra* note 12 (noting that the reduction of application errors reduces erroneous ballot delivery).

80. *Id.*; CAL. ELEC. CODE § 18107.5 (enacted by Chapter 753).

81. Gozzo Interview, *supra* note 23.

82. See *id.* (explaining that because the electronic application is not signed, people who violate the law cannot be charged with perjury as under existing law, so a fine is imposed instead by the provisions of Chapter 753).

83. ASSEMBLY COMMITTEE ANALYSIS ON ELECTIONS AND APPROPRIATIONS, COMMITTEE ANALYSIS OF AB 2277, at 2 (May 15, 2002); Gozzo Interview, *supra* note 23.

84. See ASSEMBLY COMMITTEE ANALYSIS ON ELECTIONS AND APPROPRIATIONS, COMMITTEE ANALYSIS OF AB 2277, at 2 (May 15, 2002).

85. *Id.*

Some opponents expressed concern that an electronic application that uses a date of birth for identification verification increases the possibility of fraud.⁸⁶ However, because the ballot still requires a signature, there is little possibility of increased fraud.⁸⁷

Chapter 753 allows voters the opportunity to apply either in writing or electronically, thereby giving voters more options within the voting system.⁸⁸ California will have to wait and see if the voting system can ride the wave of the future to greater participation in the voting process.

86. SENATE COMMITTEE ON ELECTIONS AND REAPPORTIONMENT, COMMITTEE ANALYSIS OF AB 2277, at 2 (June 19, 2002).

87. Gozzo Interview, *supra* note 23.

88. See CAL. ELEC. CODE § 3007.7(a) (enacted by Chapter 753) (giving local elections officials the option to provide their constituents with the electronic voting system).