

AMENDED IN SENATE MARCH 6, 2013

SENATE BILL

No. 29

Introduced by Senator Correa

(~~Coauthor: Assembly Member~~ *Coauthors: Assembly Members Fong
and Lowenthal*)

December 3, 2012

An act to amend Sections 3020, 4103, and 15372 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 29, as amended, Correa. Vote by mail ballots and election result statements.

(1) Existing law makes the vote by mail ballot available to any registered voter. Existing law requires that those vote by mail ballots be received by the elections officials from whom they were obtained or by the precinct boards before the polls close on election day in order to be counted.

Existing law authorizes certain local, special, or consolidated elections to be conducted wholly by mail, so long as specified conditions are satisfied. Existing law requires ballots cast in these vote by mail elections to be returned to the elections official from whom they were obtained no later than 8 p.m. on election day.

This bill would, notwithstanding the above provisions, provide that any vote by mail ballot is timely cast if it is received by the voter's elections official no later than 3 days after election day, and either the ballot is postmarked on or before election day *or is time stamped or date stamped by a bona fide private mail delivery company on or before election day* or, if the ballot has no postmark, a postmark with no date,

or an illegible postmark, the vote by mail ballot identification envelope is signed and dated on or before election day.

Because the bill would expand the duties of local elections officials, it would impose a state-mandated local program.

(2) Existing law requires the elections official to prepare a certified statement of the results of the election and submit it to the governing body within 28 days of the election, except for specified elections.

This bill would instead require the elections official to submit the certified statement of the results of the election to the governing body within 31 days of the election.

(3) 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.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

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

1 SECTION 1. Section 3020 of the Elections Code is amended
 2 to read:

3 3020. (a) All vote by mail ballots cast under this division shall
 4 be received by the elections official from whom they were obtained
 5 or by the precinct board no later than the close of the polls on
 6 election day.

7 (b) Notwithstanding subdivision (a), any vote by mail ballot
 8 cast under this division shall be timely cast if it is received by the
 9 voter’s elections official no later than three days after election day
 10 and either of the following is satisfied:

11 (1) The ballot is postmarked on or before election day *or is time*
 12 *stamped or date stamped by a bona fide private mail delivery*
 13 *company on or before election day.*

14 (2) If the ballot has no postmark, a postmark with no date, or
 15 an illegible postmark, the vote by mail ballot identification
 16 envelope is signed and dated pursuant to Section 3011 on or before
 17 election day.

18 SEC. 2. Section 4103 of the Elections Code is amended to read:

1 4103. (a) Notwithstanding Section 3020, ballots cast under
2 this chapter shall be returned to the elections official from whom
3 they were obtained no later than 8 p.m. on election day.

4 (b) Notwithstanding subdivision (a), any vote by mail ballot
5 cast under this chapter shall be timely cast if it is received by the
6 voter's elections official no later than three days after election day
7 and either of the following is satisfied:

8 (1) The ballot is postmarked on or before election day *or is time*
9 *stamped or date stamped by a bona fide private mail delivery*
10 *company on or before election day.*

11 (2) If the ballot has no postmark, a postmark with no date, or
12 an illegible postmark, the vote by mail ballot identification
13 envelope is signed and dated pursuant to Section 3011 on or before
14 election day.

15 SEC. 3. Section 15372 of the Elections Code is amended to
16 read:

17 15372. The elections official shall prepare a certified statement
18 of the results of the election and submit it to the governing body
19 within 31 days of the election or, in the case of school district,
20 community college district, county board of education, or special
21 district elections conducted on the first Tuesday after the first
22 Monday in November of odd-numbered years, no later than the
23 last Monday before the last Friday of that month.

24 SEC. 4. Counties may continue to use envelopes and other
25 official election materials that do not take into account the
26 provisions of this act until the supply of those envelopes and other
27 official election materials is exhausted.

28 SEC. 5. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.