

**ASSEMBLY BILL**

**No. 1654**

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**Introduced by Assembly Members Huffman, DeSaulnier, and  
Saldana**

February 23, 2007

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An act to repeal and add Chapter 1 (commencing with Section 4000) of Division 4 of, and to repeal Chapter 2 (commencing with Section 4100) of Division 4 of, and to amend and renumber Sections 4106 and 4107 of, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1654, as introduced, Huffman. Mail ballot elections: statewide and local elections.

Existing law provides that any local, special, or consolidated election may be conducted wholly by mail under specified circumstances and establishes procedures for the conduct of mail ballot elections. These procedures, among other things, require mail ballot elections to be conducted in accordance with absentee voting procedures.

This bill would repeal these provisions and, instead, permit any election in a city, county, or district to be conducted as an all-mailed ballot election if the governing body of a city, county, or district, by resolution, authorizes the all-mailed ballot election and other conditions are met. The bill would not apply to specified counties that are subject to certain preclearance requirements of the federal Voting Rights Act of 1965. The bill would require that these all-mailed ballot elections be conducted in accordance with specified provisions that govern absentee voting, except to the extent those provisions are inconsistent with the bill.

Under existing law, the governing body of any city or district may, by resolution, request the board of supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election. Subject to the approval of the board of supervisors, the county elections officials are required to perform these services.

This bill would provide that if a county, city, or district that has obtained the approval of the board of supervisors authorizes all-mailed ballot elections, the county elections officials shall conduct an all-mailed election, as specified.

Existing law authorizes the governing board of the Marina County Water District and the governing boards of those districts in the County of San Diego to revise the date for the conduct of their elections to either the day of the statewide direct primary election or the day of the statewide general election.

This bill would renumber these provisions to conform to organizational changes made by the bill.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1 SECTION 1. Chapter 1 (commencing with Section 4000) of  
2 Division 4 of the Elections Code is repealed.

3 SEC. 2. Chapter 1 (commencing with Section 4000) is added  
4 to Division 4 of the Elections Code, to read:

5  
6 CHAPTER 1. ALL-MAILED BALLOT ELECTIONS: STATEWIDE AND  
7 LOCAL ELECTIONS

8  
9 4000. The Legislature finds and declares all of the following:

10 (a) Voting by mail is a relatively new concept, first tried in  
11 Monterey, California, in 1977. Since that time, many elections  
12 have been held by mail, from local ballot initiatives to contests for  
13 federal office.

14 (b) Voting by mail is cost effective. The cost of a vote-by-mail  
15 election is nearly 30 percent less than the cost of a polling place  
16 election.

1 (c) In states that have tried voting by mail, voter turnout has  
2 increased. In Oregon, a state that conducts all elections by mail,  
3 84 percent of those registered to vote, voted in the 2004 election.

4 (d) Voting by mail is convenient because it allows voters to  
5 vote according to their own schedules and eliminates long lines at  
6 polling places.

7 (e) Voting by mail creates a more informed voting public  
8 because individuals have time to study the issues and candidates,  
9 to get questions answered, and to clarify any points of confusion.

10 (f) Thus, it is the intent of the Legislature to allow the governing  
11 body of a city, county, or district to establish voting by all-mailed  
12 ballots.

13 4001. (a) Any local, special, primary, or general election may  
14 be conducted as an all-mailed ballot election, subject to all of the  
15 following conditions:

16 (1) The governing body of the city, county, or district, by  
17 resolution, authorizes the all-mailed ballot election and notifies  
18 the Secretary of State of its intent to conduct an all-mailed ballot  
19 election at least 88 days prior to the date of election.

20 (2) The elections official delivers to each registered voter in the  
21 jurisdiction all supplies necessary for the use and return of the  
22 ballot.

23 (3) The city, county, or district conducting the election by mail  
24 shall provide an appropriate number of polling places at convenient  
25 locations for voters to cast their votes in person.

26 (4) The return of voted mail ballots is subject to Section 3017.

27 (5) The jurisdiction is not covered by the preclearance  
28 requirements of Section 5 of the federal Voting Rights Act of 1965  
29 (42 U.S.C. Sec. 1973c).

30 (6) The city, county, or district conducting the election by mail  
31 shall provide an appropriate number of locations for voters to  
32 deposit their ballots directly into its custody without mailing the  
33 ballots back.

34 (7) The city, county, or district conducting the election by mail  
35 shall provide focused education and outreach programs to voters,  
36 explaining the vote-by-mail procedure and new voting requirements  
37 in every language a ballot is made available to voters.

38 (b) If a city, county, or district authorizes an all-mailed ballot  
39 election pursuant to subdivision (a), and in the case of a city or  
40 district, if approval is obtained pursuant to Section 10002, elections

1 officials shall conduct an all-mailed ballot election in accordance  
2 with this chapter.

3 (c) A jurisdiction that conducts an all-mailed ballot election  
4 shall report to the Legislature and to the Secretary of State  
5 regarding the benefits and challenges of the election, including,  
6 but not limited to, any statistics on the increase of voter fraud.

7 4002. (a) An elections official shall mail by nonforwardable  
8 mail an official ballot with a return identification envelope and a  
9 secrecy envelope no sooner than the 29th day before the date of  
10 an election conducted by mail and no later than the 7th day before  
11 the date of the election, to each voter in the precinct who is  
12 registered as of the 29th day prior to the election.

13 (b) An elections official shall mail by nonforwardable mail an  
14 official ballot with a return identification envelope and a secrecy  
15 envelope no later than three days before the election to any voter  
16 who is registered as of the 15th day prior to the election.

17 4003. All of the following apply to an all-mailed election held  
18 on the date of a primary election:

19 (a) The elections official shall mail the official ballot of a major  
20 qualified political party to each voter who is registered as being  
21 affiliated with the major qualified political party as of the 29th day  
22 before the date of the election.

23 (b) A voter who is not affiliated with any political party shall  
24 be mailed the ballot of a qualified political party in whose primary  
25 election the voter wishes to vote if the voter has applied to the  
26 elections official pursuant to Section 3205.

27 4004. An all-mailed ballot election shall be conducted in  
28 accordance with the following provisions that govern absentee  
29 voting under Chapter 1 (commencing with Section 3000) of  
30 Division 3, except to the extent those provisions are inconsistent  
31 with this chapter:

32 (a) Section 3011, regarding the content of the return  
33 identification envelope.

34 (b) Section 3012, regarding a ballot mailed to an address outside  
35 of the United States.

36 (c) Section 3014, regarding sending a second voter ballot and  
37 duplicate voted ballot procedures.

38 (d) Section 3017, regarding marking and returning a ballot.

39 (e) Section 3018, regarding voting a ballot at the office of the  
40 elections official.

1 (f) Section 3017, regarding tracking, confirming, and making  
2 publicly available the receipt of all-mailed voted ballots.

3 (g) Section 3019, regarding comparing and verifying the  
4 signature on the return identification envelope with the signature  
5 on the voter’s registration card.

6 (h) Section 3020, regarding the deadline for the receipt of a  
7 voted ballot.

8 (i) Section 3023, regarding the delivery of ballot pamphlets.

9 4006. (a) The elections official shall notify each voter of the  
10 location of the polling place or places provided in each city within  
11 the jurisdiction.

12 (b) The elections official shall provide, at any location where  
13 ballots may be returned, suitable compartments, shelves, or tables  
14 at which voters may mark their ballots. The arrangement of the  
15 compartments, shelves, or tables shall ensure that the voter may  
16 conveniently mark the ballot with absolute secrecy. The  
17 compartments, shelves, or tables shall be available during the entire  
18 time that the ballots are issued.

19 4008. The voting instructions or voter information pamphlet  
20 shall contain the following warning:

21 “Any person who, by use of force or other means, unduly  
22 influences a voter to vote in any particular manner or to refrain  
23 from voting, is subject, upon conviction, to imprisonment or to a  
24 fine, or both, as provided in Chapter 6 (commencing with Section  
25 18500) of Division 18 of the Elections Code.”

26 SEC. 3. Chapter 2 (commencing with Section 4100) of Division  
27 4 of the Elections Code is repealed.

28 SEC. 4. Section 4106 of the Elections Code is amended and  
29 renumbered to read:

30 ~~4106.~~

31 1305. (a) Notwithstanding any other provision of law to the  
32 contrary, a governing board in the County of San Diego may adopt  
33 a resolution requiring its general district election to be held on the  
34 same day as the statewide direct primary election or the day of the  
35 statewide general election.

36 (b) If an election is held pursuant to subdivision (a), and the  
37 election is consolidated with another election, Part 3 (commencing  
38 with Section 10400) of Division 10 shall govern the consolidation  
39 and, if the county elections official is requested to conduct the  
40 election, Section 10002 shall apply to that election.

1 (c) If, pursuant to subdivision (a), a general district election is  
 2 held on the same day as a statewide election, those officers whose  
 3 four-year terms of office would have, prior to the adoption of the  
 4 resolution, expired on the first Friday in December following the  
 5 general district election in an odd-numbered year shall, instead,  
 6 either continue in their offices until no later than the fourth Tuesday  
 7 after the day of the general district election or, at the option of the  
 8 governing board, cease to hold office prior to the expiration of  
 9 their four-year term and upon the qualification of their successors  
 10 at the time prescribed by the governing board.

11 SEC. 5. Section 4107 of the Elections Code is amended and  
 12 renumbered to read:

13 ~~4107.~~

14 *1306.* (a) Notwithstanding any other provision of law, the  
 15 governing board of the Marina County Water District in the County  
 16 of Monterey may adopt a resolution requiring its general district  
 17 election to be held on the same day as the statewide direct primary  
 18 election or the day of the statewide general election.

19 (b) If an election is held pursuant to subdivision (a), and the  
 20 election is consolidated with another election, Part 3 (commencing  
 21 with Section 10400) of Division 10 shall govern the consolidation,  
 22 and, if the county elections official is requested to conduct the  
 23 election, Section 10002 shall apply to that election.

24 (c) If, pursuant to subdivision (a), a general district election is  
 25 held on the same day as a statewide election, those officers whose  
 26 four-year terms of office would have, prior to the adoption of the  
 27 resolution, expired on the first Friday in December following the  
 28 general district election in an odd-numbered year shall, instead,  
 29 either continue in their offices until no later than the fourth Tuesday  
 30 after the day of the general district election or, at the option of the  
 31 governing board, cease to hold office prior to the expiration of  
 32 their four-year term and upon the qualification of their successors  
 33 at the time prescribed by the governing board.

34 SEC. 6. This act is an urgency statute necessary for the  
 35 immediate preservation of the public peace, health, or safety within  
 36 the meaning of Article IV of the Constitution and shall go into  
 37 immediate effect. The facts constituting the necessity are:

38 In order for a city, county, or district to exercise the option to  
 39 conduct any local, special, primary, or general election as an

- 1 all-mail ballot election as soon as possible, it is necessary that this
- 2 act take immediate effect.

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