

AMENDED IN SENATE AUGUST 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 562**

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**Introduced by Assembly Member Hall Fong**  
*(Principal coauthor: Senator Correa)*

February 16, 2011

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~~An act to amend Section 19596.2 of the Business and Professions Code, relating to horse racing. An act to amend Sections 3020, 4103, and 15372 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 562, as amended, **Hall Fong. Horse racing: Wood Memorial. 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, 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.

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

~~Existing law authorizes a thoroughbred racing association or fair to distribute the audiovisual signal and accept wagers on the results of out-of-state thoroughbred races conducted in the United States during the calendar period the association or fair is conducting a race meeting, as specified, without the consent of the organization that represents horsemen participating in the race meeting and without regard to the amount of purses. Existing law prohibits the total number of thoroughbred races imported by associations or fairs on a statewide basis, as specified, from exceeding 32 per day on days when live thoroughbred or fair racing is being conducted in the state. Certain well-known races are excluded from this limitation, including the Kentucky Derby and the Belmont Stakes.~~

~~This bill would add the Wood Memorial to the list of races that are not included for purposes of determining compliance with that prohibition.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~no~~<sup>yes</sup>. State-mandated local program: ~~no~~<sup>yes</sup>.

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

1     *SECTION 1. The Legislature finds and declares all of the*  
2 *following:*

3     *(a) In an effort to decrease its costs, the United States Postal*  
4 *Service has started implementing a plan to significantly consolidate*  
5 *the postal network's facilities, including closing more than 200*  
6 *mail processing facilities nationwide.*

7     *(b) As a result of the United States Postal Service consolidation*  
8 *plan, six mail processing facilities in California have been closed*  
9 *since the last statewide general election, and two more are*  
10 *scheduled to close before the November 6, 2012, statewide general*  
11 *election.*

12     *(c) Even though the United States Postal Service has stated that*  
13 *the closure of mail processing facilities will not adversely affect*  
14 *the voting process, election officials from counties that were*  
15 *previously served by the closed facilities have indicated that recent*  
16 *closures have resulted in considerable delays in mail delivery,*  
17 *with some deliveries taking up to five to seven days, as opposed*  
18 *to the usual delivery time of one to three days.*

19     *(d) California voters are choosing to vote by mail in increasing*  
20 *numbers, with more than 5.7 million Californians choosing to cast*  
21 *their ballots by mail in the last presidential election.*

22     *(e) According to the United States Election Assistance*  
23 *Commission, about 26,000 mailed ballots arrived too late to be*  
24 *counted in California's November 2, 2010, statewide general*  
25 *election, which occurred before the closure of any major mail*  
26 *processing facilities.*

27     *(f) Due to the mail processing facility closures, voters who mail*  
28 *their ballots within a reasonable timeframe could, through no fault*  
29 *of their own, find themselves disenfranchised due to the delays in*  
30 *mail delivery.*

31     *(g) Given the negative impacts that recent smaller scale*  
32 *disruptions have had on non-presidential elections, it is realistic*  
33 *to anticipate, and it is necessary to take proactive steps to prepare*  
34 *for, larger scale disruptions for the upcoming presidential election*  
35 *on November 6, 2012.*

36     *(h) Allowing ballots that are postmarked or signed and dated*  
37 *by election day to be counted, as long as those ballots are received*

1 *by the elections official by the third day after the election, will help*  
 2 *mitigate against potential voter disenfranchisement.*

3 *SEC. 2. Section 3020 of the Elections Code is amended to read:*

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

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

12 (1) The ballot is postmarked on or before election day.

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

17 *SEC. 3. Section 4103 of the Elections Code is amended to read:*

18 4103. (a) Notwithstanding Section 3020, ballots cast under  
 19 this chapter shall be returned to the elections official from whom  
 20 they were obtained no later than 8 p.m. on election day.

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

25 (1) The ballot is postmarked on or before election day.

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

30 *SEC. 4. Section 15372 of the Elections Code is amended to*  
 31 *read:*

32 15372. The elections official shall prepare a certified statement  
 33 of the results of the election and submit it to the governing body  
 34 within ~~28~~ 31 days of the election or, in the case of school district,  
 35 community college district, county board of education, or special  
 36 district elections conducted on the first Tuesday after the first  
 37 Monday in November of odd-numbered years, no later than the  
 38 last Monday before the last Friday of that month.

39 *SEC. 5. Counties may continue to use envelopes and other*  
 40 *official election materials that do not take into account the*

1 provisions of this act until the supply of those envelopes and other  
2 official election materials is exhausted.

3 *SEC. 6. If the Commission on State Mandates determines that*  
4 *this act contains costs mandated by the state, reimbursement to*  
5 *local agencies and school districts for those costs shall be made*  
6 *pursuant to Part 7 (commencing with Section 17500) of Division*  
7 *4 of Title 2 of the Government Code.*

8 *SEC. 7. This act is an urgency statute necessary for the*  
9 *immediate preservation of the public peace, health, or safety within*  
10 *the meaning of Article IV of the Constitution and shall go into*  
11 *immediate effect. The facts constituting the necessity are:*

12 *In order to ensure that all eligible voters are able to have their*  
13 *votes counted at the November 6, 2012, statewide general election,*  
14 *it is necessary for this act to take effect immediately.*

15 ~~SECTION 1. Section 19596.2 of the Business and Professions~~  
16 ~~Code is amended to read:~~

17 ~~19596.2. (a) Notwithstanding any other provision of law and~~  
18 ~~except as provided in Section 19596.4, a thoroughbred racing~~  
19 ~~association or fair may distribute the audiovisual signal and accept~~  
20 ~~wagers on the results of out-of-state thoroughbred races conducted~~  
21 ~~in the United States during the calendar period the association or~~  
22 ~~fair is conducting a race meeting, including days on which there~~  
23 ~~is no live racing being conducted by the association or fair, without~~  
24 ~~the consent of the organization that represents horsemen~~  
25 ~~participating in the race meeting and without regard to the amount~~  
26 ~~of purses. Further, the total number of thoroughbred races imported~~  
27 ~~by associations or fairs on a statewide basis under this section shall~~  
28 ~~not exceed 32 per day on days when live thoroughbred or fair~~  
29 ~~racing is being conducted in the state. The limitation of 32 imported~~  
30 ~~raees per day does not apply to any of the following:~~

31 ~~(1) Races imported for wagering purposes pursuant to~~  
32 ~~subdivision (e):~~

33 ~~(2) Races imported that are part of the race card of the Kentucky~~  
34 ~~Derby, the Kentucky Oaks, the Preakness Stakes, the Belmont~~  
35 ~~Stakes, the Jockey Club Gold Cup, the Wood Memorial, the~~  
36 ~~Travers Stakes, the Arlington Million, the Breeders' Cup, the Dubai~~  
37 ~~Cup, or the Haskell Invitational.~~

38 ~~(3) Races imported into the northern zone when there is no live~~  
39 ~~thoroughbred or fair racing being conducted in the northern zone.~~

1     ~~(4) Races imported into the combined central and southern zones~~  
2     ~~when there is no live thoroughbred or fair racing being conducted~~  
3     ~~in the combined central and southern zones.~~  
4     ~~(b) Any thoroughbred association or fair accepting wagers~~  
5     ~~pursuant to subdivision (a) shall conduct the wagering in~~  
6     ~~accordance with the applicable provisions of Sections 19601,~~  
7     ~~19616, 19616.1, and 19616.2.~~  
8     ~~(c) No thoroughbred association or fair may accept wagers~~  
9     ~~pursuant to this section on out-of-state races commencing after 7~~  
10    ~~p.m., Pacific standard time, without the consent of the harness or~~  
11    ~~quarter horse racing association that is then conducting a live racing~~  
12    ~~meeting in Orange or Sacramento Counties.~~

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