

AMENDED IN ASSEMBLY MARCH 28, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2054**

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**Introduced by Assembly Member Fong**

February 23, 2012

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An act to amend ~~Section 83109 of the Government Code, relating to the Political Reform Act of 1974 Sections 3017 and 15320 of the Elections Code, relating to elections.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2054, as amended, Fong. ~~Fair Political Practices Commission: civil service classification.~~ *Elections: vote by mail ballots.*

*Existing law requires vote by mail ballots to be voted on or before the day of the election. Existing law requires that a vote by mail ballot be returned by mail or in person to the elections official who issued the ballot or in person to a member of a precinct board at a polling place within the jurisdiction, except as specified.*

*This bill would authorize a voter to return his or her vote by mail ballot to a precinct board at any polling place within the state. The bill would require the elections official of a county where a vote by mail ballot is returned, if the ballot is returned to a polling place in a county other than the county of the elections official who issued the ballot, to forward the ballot to the elections official who issued the ballot. By imposing additional duties on local elections officials, this bill would impose a state-mandated local program.*

*Existing law requires that vote by mail ballots and mail ballot precinct ballots returned to the elections office and to the polls on election day and which are not included in the semifinal official canvass phase of*

*the election be processed and counted during the official canvass, as specified.*

*This bill would specify that this requirement also applies to any ballots that are returned to another jurisdiction in the state and which are forwarded to the issuing jurisdiction as required by this bill.*

*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.*

~~The Political Reform Act of 1974 establishes the Fair Political Practices Commission to implement the act's provisions. Under the act, a nonclerical position in the Commission is not to be included in the same civil service classification with any position of any other department or agency.~~

~~This bill would correct an erroneous cross-reference in that provision.~~

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

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

1     SECTION 1. Section 3017 of the Elections Code is amended  
2     to read:  
3     3017. (a) All vote by mail ballots cast under this division shall  
4     be voted on or before the day of the election. After marking the  
5     ballot, the vote by mail voter shall do either of the following: (1)  
6     return the ballot by mail or in person to the elections official ~~from~~  
7     ~~whom it came~~ *who issued the ballot* or (2) return the ballot in  
8     person to any member of a precinct board at any polling place  
9     within the ~~jurisdiction~~ *state*. However, a vote by mail voter who,  
10    because of illness or other physical disability, is unable to return  
11    the ballot, may designate his or her spouse, child, parent,  
12    grandparent, grandchild, brother, sister, or a person residing in the  
13    same household as the vote by mail voter to return the ballot to  
14    the elections official ~~from whom it came~~ *who issued the ballot* or  
15    to the precinct board at any polling place within the ~~jurisdiction~~  
16    *state*. The ballot must, however, be received by either the elections

1 official ~~or the~~ *who issued the ballot or a precinct board* before the  
2 close of the polls on election day. *If a vote by mail ballot is*  
3 *returned to a precinct board at a polling place located in a county*  
4 *that is not the county of the elections official who issued the ballot,*  
5 *the elections official for the county in which the vote by mail ballot*  
6 *is returned shall forward the ballot to the elections official who*  
7 *issued the ballot.*

8 (b) The elections official shall establish procedures to ensure  
9 the secrecy of ~~any~~ a ballot returned to a precinct polling place and  
10 the security, confidentiality, and integrity of ~~any~~ personal  
11 information collected, stored, or otherwise used pursuant to this  
12 section.

13 (c) On or before March 1, 2008, the elections official shall  
14 establish procedures to track and confirm the receipt of voted vote  
15 by mail ballots and to make this information available by means  
16 of online access using the county's elections division Internet Web  
17 site. If the county does not have an elections division Internet Web  
18 site, the elections official shall establish a toll-free telephone  
19 number that may be used to confirm the date a voted vote by mail  
20 ballot was received.

21 (d) The provisions of this section are mandatory, not directory,  
22 and ~~no~~ a ballot shall *not* be counted if it is not delivered in  
23 compliance with this section.

24 (e) Notwithstanding subdivision (a), ~~no~~ a vote by mail voter's  
25 ballot shall *not* be returned by ~~any~~ a paid or volunteer worker of  
26 ~~any~~ a general purpose committee, controlled committee,  
27 independent expenditure committee, political party, candidate's  
28 campaign committee, or any other group or organization at whose  
29 behest the individual designated to return the ballot is performing  
30 a service. However, this subdivision ~~shall~~ *does* not apply to a  
31 candidate or a candidate's spouse.

32 *SEC. 2. Section 15320 of the Elections Code is amended to*  
33 *read:*

34 15320. Vote by mail ballots and mail ballot precinct ballots  
35 returned to the elections office and to the polls on election day that  
36 are not included in the semifinal official canvass phase of the  
37 election, *including any ballots returned to another jurisdiction in*  
38 *the state and forwarded to the issuing jurisdiction pursuant to*  
39 *Section 3017, shall be processed and counted during the official*

1 canvass in the manner prescribed by Chapter 3 2 (commencing  
2 with Section 15100).

3 *SEC. 3. 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 ~~SECTION 1. Section 83109 of the Government Code is~~  
9 ~~amended to read:~~

10 ~~83109. For purposes of Section 19818.6 of the Government~~  
11 ~~Code, a nonclerical position under the Commission shall not be~~  
12 ~~included in the same class in the civil service classification plan~~  
13 ~~with any position of any other department or agency.~~