

AMENDED IN SENATE AUGUST 14, 2012

AMENDED IN SENATE JUNE 26, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2080

Introduced by Assembly Member Gordon

February 23, 2012

An act to amend Section 3017 of the Elections Code, relating to vote by mail ballots.

LEGISLATIVE COUNSEL'S DIGEST

AB 2080, as amended, Gordon. Vote by mail ballots.

Existing law creates vote by mail ballots. After marking the ballot, vote by mail voters are required to return their ballots by mail or in person to the elections official from whom it came or in person to a member of a precinct board at a polling place within the jurisdiction. A vote by mail voter who is unable to return his or her ballot due to illness or physical disability may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household to return the ballot to the specified elections official or precinct board member.

This bill would eliminate the requirement that a vote by mail voter be ill or physically disabled in order to designate one of the above-mentioned persons to return his or her marked ballot.

This bill would incorporate additional changes to Section 3017 of the Elections Code proposed by AB 2054, which would become operative only if AB 2054 and this bill are both enacted, both bills become effective on or before January 1, 2013, and this bill is enacted last.

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

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 or (2) return the ballot in person to a member of a
8 precinct board at a polling place within the jurisdiction. However,
9 a vote by mail voter who is unable to return the ballot may
10 designate his or her spouse, child, parent, grandparent, grandchild,
11 brother, sister, or a person residing in the same household as the
12 vote by mail voter to return the ballot to the elections official from
13 whom it came or to the precinct board at a polling place within
14 the jurisdiction. The ballot must, however, be received by either
15 the elections official from whom it came or the precinct board
16 before the close of the polls on election day.
17 (b) The elections official shall establish procedures to ensure
18 the secrecy of a ballot returned to a precinct polling place and the
19 security, confidentiality, and integrity of any personal information
20 collected, stored, or otherwise used pursuant to this section.
21 (c) On or before March 1, 2008, the elections official shall
22 establish procedures to track and confirm the receipt of voted vote
23 by mail ballots and to make this information available by means
24 of online access using the county’s elections division Internet Web
25 site. If the county does not have an elections division Internet Web
26 site, the elections official shall establish a toll-free telephone
27 number that may be used to confirm the date a voted vote by mail
28 ballot was received.
29 (d) The provisions of this section are mandatory, not directory,
30 and a ballot shall not be counted if it is not delivered in compliance
31 with this section.
32 (e) Notwithstanding subdivision (a), a vote by mail voter’s ballot
33 shall not be returned by a paid or volunteer worker of a general
34 purpose committee, controlled committee, independent expenditure
35 committee, political party, candidate’s campaign committee, or

1 any other group or organization at whose behest the individual
2 designated to return the ballot is performing a service. However,
3 this subdivision does not apply to a candidate or a candidate's
4 spouse.

5 *SEC. 1.5. Section 3017 of the Elections Code is amended to*
6 *read:*

7 3017. (a) All vote by mail ballots cast under this division shall
8 be voted on or before the day of the election. After marking the
9 ballot, the vote by mail voter shall do either of the following: (1)
10 return the ballot by mail or in person to the elections official ~~from~~
11 ~~whom it came~~ *who issued the ballot* or (2) return the ballot in
12 person to ~~any~~ a member of a precinct board at ~~any~~ a polling place
13 within the ~~jurisdiction~~ *state*. However, a vote by mail voter who;
14 ~~because of illness or other physical disability,~~ is unable to return
15 the ballot; may designate his or her spouse, child, parent,
16 grandparent, grandchild, brother, sister, or a person residing in the
17 same household as the vote by mail voter to return the ballot to
18 the elections official ~~from whom it came~~ *who issued the ballot* or
19 to the precinct board at ~~any~~ a polling place within the ~~jurisdiction~~
20 *state*. The ballot must, however, be received by either the elections
21 official ~~from whom it came~~ *who issued the ballot* or ~~the~~ a precinct
22 board before the close of the polls on election day. *If a vote by*
23 *mail ballot is returned to a precinct board at a polling place*
24 *located in a county that is not the county of the elections official*
25 *who issued the ballot, the elections official for the county in which*
26 *the vote by mail ballot is returned shall forward the ballot to the*
27 *elections official who issued the ballot.*

28 (b) The elections official shall establish procedures to ensure
29 the secrecy of ~~any~~ a ballot returned to a precinct polling place and
30 the security, confidentiality, and integrity of ~~any~~ personal
31 information collected, stored, or otherwise used pursuant to this
32 section.

33 (c) On or before March 1, 2008, the elections official shall
34 establish procedures to track and confirm the receipt of voted vote
35 by mail ballots and to make this information available by means
36 of online access using the county's elections division Internet Web
37 site. If the county does not have an elections division Internet Web
38 site, the elections official shall establish a toll-free telephone
39 number that may be used to confirm the date a voted vote by mail
40 ballot was received.

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

4 (e) Notwithstanding subdivision (a), ~~no~~ a vote by mail voter's
5 ballot shall *not* be returned by ~~any~~ a paid or volunteer worker of
6 ~~any~~ a general purpose committee, controlled committee,
7 independent expenditure committee, political party, candidate's
8 campaign committee, or any other group or organization at whose
9 behest the individual designated to return the ballot is performing
10 a service. However, this subdivision ~~shall~~ *does* not apply to a
11 candidate or a candidate's spouse.

12 *SEC. 2. Section 1.5 of this bill incorporates amendments to*
13 *Section 3017 of the Elections Code proposed by both this bill and*
14 *Assembly Bill 2054. It shall only become operative if (1) both bills*
15 *are enacted and become effective on or before January 1, 2013,*
16 *(2) each bill amends Section 3017 of the Elections Code, and (3)*
17 *this bill is enacted after Assembly Bill 2054, in which case Section*
18 *1 of this bill shall not become operative.*