

Introduced by Senator Correa

February 8, 2011

An act to amend Sections 3017 and 15320 of the Elections Code, relating to vote by mail ballots.

LEGISLATIVE COUNSEL'S DIGEST

SB 199, as amended, Correa. Elections: vote by mail ballots.

(1) Existing law permits any voter to apply for permanent vote by mail voter status if the voter completes an application containing the required information in accordance with specified statutory provisions and requires a voter to return a vote by mail ballot by mail or in person to the elections official from whom it came, or in person to any member of a precinct board at any polling place within the jurisdiction, before the close of the polls on election day.

This bill would permit a voter to return a vote by mail ballot to any polling place in the state, and in the case of a vote by mail ballot returned to a precinct located in a county other than the county of the elections official who issued the ballot, would require the elections official of the precinct at which the ballot is returned 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.

(2) The bill would also make a conforming change to a related provision.

(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 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 any member of
8 a precinct board at any polling place within the state. However, a
9 vote by mail voter who, because of illness or other physical
10 disability, is unable to return the ballot, may designate his or her
11 spouse, child, parent, grandparent, grandchild, brother, sister, or
12 a person residing in the same household as the vote by mail voter
13 to return the ballot to the elections official who issued the ballot
14 or to the precinct board at any polling place within the state. The
15 ballot must, however, be received by either the elections official
16 or a precinct board before the close of the polls on election day.
17 In the case of ~~an absentee~~ *a vote by mail* ballot returned to a
18 precinct board of a polling place located in a county other than the
19 county of the elections official who issued the ballot, the elections
20 official responsible for the polling place at which the ballot is
21 returned shall forward the ballot to the elections official who issued
22 the ballot.

23 (b) The elections official shall establish procedures to ensure
24 the secrecy of any ballot returned to a precinct polling place and
25 the security, confidentiality, and integrity of any personal
26 information collected, stored, or otherwise used pursuant to this
27 section.

28 (c) On or before March 1, 2008, the elections official shall
29 establish procedures to track and confirm the receipt of voted vote
30 by mail ballots and to make this information available by means
31 of online access using the county's elections division Internet Web

1 site. If the county does not have an elections division Internet Web
2 site, the elections official shall establish a toll-free telephone
3 number that may be used to confirm the date a voted vote by mail
4 ballot was received.

5 (d) The provisions of this section are mandatory, not directory,
6 and no ballot shall be counted if it is not delivered in compliance
7 with this section.

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

16 SEC. 2. Section 15320 of the Elections Code is amended to
17 read:

18 15320. Vote by mail ballots and mail ballot precinct ballots
19 returned to the elections office and to the polls on election day,
20 including those returned to another jurisdiction in the state and
21 forwarded to the jurisdiction of issuance, that are not included in
22 the semifinal official canvass phase of the election shall be
23 processed and counted during the official canvass in the manner
24 prescribed by Chapter 3 (commencing with Section 15100).

25 SEC. 3. If the Commission on State Mandates determines that
26 this act contains costs mandated by the state, reimbursement to
27 local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code.