

AMENDED IN SENATE JULY 3, 2014
AMENDED IN SENATE JULY 1, 2014
AMENDED IN ASSEMBLY APRIL 16, 2013
AMENDED IN ASSEMBLY APRIL 1, 2013
AMENDED IN ASSEMBLY MARCH 14, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 269

**Introduced by Assembly Members Grove and Patterson
(Principal coauthor: Assembly Member Eggman)
(Coauthors: Assembly Members Chávez, Beth Gaines, Harkey,
Maienschein, and Wilk)
(Coauthors: Senators ~~Anderson, Fuller,~~ Fuller and Nielsen)**

February 7, 2013

An act to ~~amend Sections 3020, 3117, and 4103~~ *repeal and add Section 3117* of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 269, as amended, Grove. Vote by mail ballots: *military or overseas voters*.

Existing law requires that a vote by mail ballot be received by the issuing elections official or the precinct board no later than the close of polls on election day.

This bill would make an exception for military or overseas voters, as defined, and would instead require that their vote by mail ballots be postmarked by the United States Postal Service or the Military Postal

Service Agency on or before election day and received by their elections officials no later than 3 days after election day.

Because the bill would impose additional duties on local elections officials, it would impose a state-mandated local program.

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.

~~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 the ballot is postmarked on or before election day or is time stamped or date stamped by a bona fide private mail delivery company on or before election day.~~

~~Because the bill would expand the duties of local elections officials, it would impose a state-mandated local program.~~

~~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 3117 of the Elections Code is repealed.~~

2 ~~3117. A valid ballot cast shall be counted if it is received by~~
3 ~~the elections official by the time the polls close on the day of the~~
4 ~~election.~~

5 ~~SEC. 2. Section 3117 is added to the Elections Code, to read:~~

6 ~~3117. Notwithstanding Section 3020 or 4103, or any other law,~~
7 ~~a vote by mail ballot of a military or overseas voter is timely cast~~
8 ~~if it is postmarked by the United States Postal Service or the~~
9 ~~Military Postal Service Agency on or before election day and~~
10 ~~received by the voter's elections official no later than three days~~
11 ~~after election day.~~

12 ~~SEC. 3. If the Commission on State Mandates determines that~~
13 ~~this act contains costs mandated by the state, reimbursement to~~
14 ~~local agencies and school districts for those costs shall be made~~
15 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
16 ~~4 of Title 2 of the Government Code.~~

17 ~~SECTION 1. Section 3020 of the Elections Code is amended~~
18 ~~to read:~~

19 ~~3020. (a) All vote by mail ballots cast under this division shall~~
20 ~~be received by the elections official from whom they were obtained~~
21 ~~or by the precinct board no later than the close of the polls on~~
22 ~~election day.~~

23 ~~(b) Notwithstanding subdivision (a), any vote by mail ballot~~
24 ~~cast under this division shall be timely cast if it is received by the~~
25 ~~voter's elections official no later than three days after election day~~
26 ~~and the ballot is postmarked on or before election day or is time~~
27 ~~stamped or date stamped by a bona fide private mail delivery~~
28 ~~company on or before election day.~~

29 ~~SEC. 2. Section 3117 of the Elections Code is amended to read:~~

30 ~~3117. A valid ballot cast shall be counted if it is received by~~
31 ~~the elections official in accordance with Section 3020.~~

32 ~~SEC. 3. Section 4103 of the Elections Code is amended to read:~~

33 ~~4103. (a) Notwithstanding Section 3020, ballots cast under~~
34 ~~this chapter shall be returned to the elections official from whom~~
35 ~~they were obtained no later than 8 p.m. on election day.~~

36 ~~(b) Notwithstanding subdivision (a), any vote by mail ballot~~
37 ~~cast under this chapter shall be timely cast if it is received by the~~
38 ~~voter's elections official no later than three days after election day~~

1 and the ballot is postmarked on or before election day or is time
2 stamped or date stamped by a bona fide private mail delivery
3 company on or before election day.

4 ~~SEC. 4. If the Commission on State Mandates determines that~~
5 ~~this act contains costs mandated by the state, reimbursement to~~
6 ~~local agencies and school districts for those costs shall be made~~
7 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
8 ~~4 of Title 2 of the Government Code.~~