

AMENDED IN ASSEMBLY APRIL 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2028

Introduced by Assembly Member Mullin
(Coauthor: Senator Hill)

February 20, 2014

An act to ~~add~~ *amend* Section ~~4001.5~~ *4001* of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2028, as amended, Mullin. All-mailed ballot elections: ~~counties~~ *San Mateo County*.

Existing law authorizes, as a pilot program, until December 31, 2017, elections in Yolo County, other than statewide primary or general elections, or special elections to fill a vacancy in a state office, the Legislature, or Congress, to be conducted wholly by mail if specified conditions are satisfied. If Yolo County conducts an all-mailed ballot election, existing law requires the county to report to the Legislature and the Secretary of State, as specified.

This bill would also authorize San Mateo County to conduct all-mailed ballot elections pursuant to these provisions. The bill would require that ballot dropoff locations be fixed in a manner so that the number of residents for each ballot dropoff location does not exceed 100,000 on the 88th day prior to the day of election if it would result in more dropoff locations, as specified.

~~Existing law authorizes a local, special, or consolidated election to be conducted as an all-mailed ballot election, so long as specified conditions are satisfied. Existing law authorizes elections in the County~~

of Yolo to be conducted wholly by mail as a pilot program, until January 1, 2018, if specified conditions are satisfied.

~~This bill would authorize a special election to be conducted in a county, including a charter county or charter city and county, wholly by mail, if specified conditions are satisfied.~~

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 4001 of the Elections Code is amended
2 to read:

3 4001. (a) Notwithstanding Section 4000 or any other law, as
4 a pilot program, elections in *San Mateo County and Yolo County*
5 may be conducted wholly by mail if all of the following conditions
6 are satisfied:

7 (1) The governing body of the city, county, or district, by
8 resolution, authorizes the all-mailed ballot election and notifies
9 the Secretary of State of its intent to conduct an all-mailed ballot
10 election at least 88 days prior to the date of the election.

11 (2) The election does not occur on the same date as a statewide
12 primary or general election or any other election conducted in an
13 overlapping jurisdiction that is not consolidated and conducted
14 wholly by mail pursuant to this section.

15 (3) The election is not a special election to fill a vacancy in a
16 state office, the Legislature, or Congress.

17 (4) (A) At least one ballot dropoff location is provided per city
18 ~~and is~~ *or the ballot dropoff locations are fixed in a manner so that*
19 *the number of residents for each ballot dropoff location does not*
20 *exceed 100,000 on the 88th day prior to the day of election,*
21 *whichever results in more dropoff locations. A ballot dropoff*
22 *location shall be open during business hours to receive voted*
23 *ballots beginning 28 days before the date of the election and until*
24 *8 p.m. on the day of the election.*

25 (B) At least one polling place is provided per city where voters
26 can request a ballot between 7 a.m. and 8 p.m. on the day of the
27 election if they have not received their ballots in the mail or if they
28 need replacement ballots for any other reason.

1 (C) Upon the request of the city, county, or district, the elections
2 official, at his or her discretion, may provide additional ballot
3 dropoff locations and polling places.

4 (5) The elections official delivers to each voter all supplies
5 necessary for the use and return of the mail ballot, including an
6 envelope for the return of the voted mail ballot with postage
7 prepaid.

8 (6) The elections official delivers to each voter, with either the
9 sample ballot sent pursuant to Section 13303 or with the voter's
10 ballot, a list of the ballot dropoff locations and polling places
11 provided pursuant to paragraph (4), and also posts that list on the
12 Internet Web site of the county elections office.

13 (7) The return of voted mail ballots is subject to Section 3017.

14 (8) (A) The polling places provided under this section are at
15 an accessible location and are equipped with voting units or
16 systems that are accessible to individuals with disabilities and that
17 provide the same opportunity for access and participation, including
18 the ability to vote privately and independently.

19 (B) A ballot dropoff location provided for under this section
20 shall consist of a locked ballot box located in a secure public
21 building that meets the accessibility requirements for a polling
22 place.

23 (9) Elections *in the county conducted* pursuant to this section
24 may be held on no more than three different dates.

25 (b) (1) If the county conducts an all-mailed ballot election
26 *pursuant to this section*, on or before December 31, 2017, the
27 county shall report to the Legislature and to the Secretary of State
28 regarding the success of the election, including, but not limited to,
29 any statistics on the cost to conduct the election; the turnout of
30 different populations, including, but not limited to, to the extent
31 possible, the population categories of race, ethnicity, age, gender,
32 disability, permanent vote by mail status, and political party
33 affiliation; the number of ballots that are not counted and the
34 reasons they were rejected; voter fraud; and any other problems
35 that become known to the county during the election or canvass.

36 (2) Whenever possible, using the criteria set forth in paragraph
37 (1), the report of the county shall compare the success of the
38 all-mailed ballot election to similar elections not conducted wholly
39 by mail in the same jurisdiction or comparable jurisdictions.

1 (3) The report of the county shall be submitted to the Legislature
 2 pursuant to Section 9795 of the Government Code within six
 3 months after the date of the all-mailed ballot election or prior to
 4 the date of any other all-mailed ballot election subject to this
 5 section to be conducted in the county, whichever is sooner.

6 (c) This section shall remain in effect only until January 1, 2018,
 7 and as of that date is repealed, unless a later enacted statute, that
 8 is enacted before January 1, 2018, deletes or extends that date.

9 ~~SECTION 1. Section 4001.5 is added to the Elections Code,~~
 10 ~~to read:~~

11 ~~4001.5. Notwithstanding Sections 4000 and 4001 or any other~~
 12 ~~law, a special election in a county, including a charter county or~~
 13 ~~charter city and county, may be conducted wholly by mail if all~~
 14 ~~of the following conditions are satisfied:~~

15 (1) ~~The governing body of the city, county, or district, by~~
 16 ~~resolution, authorizes the all-mailed ballot election and notifies~~
 17 ~~the Secretary of State of its intent to conduct an all-mailed ballot~~
 18 ~~election at least 88 days prior to the date of the election.~~

19 (2) ~~The election does not occur on the same date as a statewide~~
 20 ~~primary or general election or any other election conducted in an~~
 21 ~~overlapping jurisdiction that is not consolidated and conducted~~
 22 ~~wholly by mail pursuant to this section.~~

23 (3) ~~If the area within which the voters reside who are qualified~~
 24 ~~to vote in the election includes more than one county, the governing~~
 25 ~~body of the county enters into an agreement with each county~~
 26 ~~within the electoral jurisdiction to conduct the special election~~
 27 ~~wholly by mail pursuant to this section.~~

28 (4) (A) ~~At least one ballot dropoff location is provided per city~~
 29 ~~or the ballot dropoff locations are fixed in a manner so that the~~
 30 ~~number of voters for each ballot dropoff location does not exceed~~
 31 ~~70,000 on the 88th day prior to the day of election, whichever~~
 32 ~~results in more dropoff locations. A ballot dropoff location shall~~
 33 ~~be open during business hours to receive voted ballots beginning~~
 34 ~~28 days before the date of the election and until 8 p.m. on the day~~
 35 ~~of the election.~~

36 (B) ~~At least one polling place is provided per city or the polling~~
 37 ~~places are fixed in a manner so that the number of voters for each~~
 38 ~~polling place does not exceed 70,000 on the 88th day prior to the~~
 39 ~~day of election, whichever results in more polling places. A polling~~
 40 ~~place shall allow a voter to request a ballot between 7 a.m. and 8~~

1 p.m. on the day of the election if the voter has not received their
2 ballots in the mail or if the voter needs a replacement ballot for
3 any other reason.

4 (C) Upon the request of the city, county, or district, the elections
5 official, at his or her discretion, may provide additional ballot
6 dropoff locations and polling places.

7 (5) The elections official delivers to each voter all supplies
8 necessary for the use and return of the mail ballot, including an
9 envelope for the return of the voted mail ballot with postage
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11 (6) The elections official delivers to each voter, with either the
12 sample ballot sent pursuant to Section 13303 or with the voter's
13 ballot, a list of the ballot dropoff locations and polling places
14 provided pursuant to paragraph (4), and also posts that list on the
15 Internet Web site of the county elections office.

16 (7) The return of voted mail ballots is subject to Section 3017.

17 (8) (A) The polling places provided under this section are at an
18 accessible location and are equipped with voting units or systems
19 that are accessible to individuals with disabilities and that provide
20 the same opportunity for access and participation, including the
21 ability to vote privately and independently.

22 (B) A ballot dropoff location provided for under this section
23 shall consist of a locked ballot box located in a secure public
24 building that meets the accessibility requirements for a polling
25 place.

26 (9) Elections pursuant to this section may be held on no more
27 than three different dates.