

AMENDED IN ASSEMBLY MARCH 25, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2177

Introduced by Assembly Member Brown
(Coauthors: Assembly Members Levine, Nazarian, Pan, and Williams)
~~(Coauthor: Senator~~ *Coauthors: Senators Padilla and Yee)*

February 20, 2014

An act to add Chapter 4 (commencing with Section 3300) to Division 3 of the Elections Code, relating to voting, and declaring the urgency thereof, to take effect immediately *voting*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2177, as amended, Brown. Early voting.

Existing law establishes procedures for voters to apply for a vote by mail ballot and use the ballot to vote in an election. Existing law allows a jurisdiction in which vote by mail ballots are cast to begin processing vote by mail ballots 29 days before the election.

This bill would require the Secretary of State to provide guidance to local elections officials in performing specified tasks for the purpose of promoting and expanding the practice of early voting, as defined, consistent with specified statutory authority. The bill would define "early voting" to mean voting a vote by mail ballot in person at the office of the elections official or another location designated by the elections official either before or on the day of the election.

The bill would require an elections official, on at least one Saturday *and Sunday* on or after the date the elections official first delivers ballots to vote by mail voters for a statewide election, or for any other election as determined by the elections official based on voter demand, to allow voters to vote in the election by means of early voting at the early voting

location designated for this purpose, provided that the location is accessible and complies with disability access requirements under federal and state law. The bill would permit the elections official to determine the hours of operation for the designated early voting location or locations for each Saturday *and Sunday* on which early voting is offered, provided that each location shall be open to voters for a minimum of 4 6 hours on each designated Saturday *and Sunday*. These provisions regarding Saturday *and Sunday* voting would not apply to elections conducted wholly by mail or to precincts in which each voter is furnished with a vote by mail ballot, as specified.

By requiring local elections officials to perform additional duties, this bill 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.

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

This bill would become operative on January 1, 2016.

Vote: $\frac{2}{3}$ -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. It is the intent of the Legislature in enacting this
2 act to make voting more convenient and accessible in order to
3 increase voter turnout at elections.

4 SEC. 2. Chapter 4 (commencing with Section 3300) is added
5 to Division 3 of the Elections Code, to read:

6
7 CHAPTER 4. EARLY VOTING
8

9 3300. For purposes of this chapter, “early voting” means voting
10 a vote by mail ballot in person at the office of the elections official
11 or another location designated by the elections official either before
12 or on the day of the election.

1 3301. For purposes of promoting and expanding the practice
2 of early voting consistent with the authority granted by this
3 division, the Secretary of State shall provide guidance to local
4 elections officials in accomplishing all of the following:

5 (a) Establishing one or more locations for early voting, which
6 may include the office of the local elections official.

7 (b) Notifying voters of the early voting location or locations.

8 (c) Ensuring that the early voting location or locations and the
9 procedures used therein comply with disability access requirements
10 under federal and state law.

11 3302. (a) On at least one Saturday *and Sunday* on or after the
12 date an elections official first delivers ballots to vote by mail voters
13 for a statewide election, or for any other election as determined
14 by the elections official based on voter demand, the elections
15 official shall allow voters to vote in the election by means of early
16 voting at an early voting location designated for this purpose,
17 provided that the location is accessible and complies with disability
18 access requirements under federal and state law. The elections
19 official may determine the hours of operation for the designated
20 early voting location or locations for each Saturday *and Sunday*
21 on which early voting is offered pursuant to this section, provided
22 that each location shall be open to voters for a minimum of ~~four~~
23 *six* hours on each designated Saturday *and Sunday*.

24 (b) Subdivision (a) does not apply to elections conducted wholly
25 by mail or to a precinct in which each voter is furnished a vote by
26 mail ballot pursuant to Section 3005.

27 SEC. 3. If the Commission on State Mandates determines that
28 this act contains costs mandated by the state, reimbursement to
29 local agencies and school districts for those costs shall be made
30 pursuant to Part 7 (commencing with Section 17500) of Division
31 4 of Title 2 of the Government Code.

32 ~~SEC. 4.— This act is an urgency statute necessary for the~~
33 ~~immediate preservation of the public peace, health, or safety within~~
34 ~~the meaning of Article IV of the Constitution and shall go into~~
35 ~~immediate effect. The facts constituting the necessity are:~~

36 ~~In order for elections officials to provide voters with increased~~
37 ~~opportunities for early voting at the earliest possible election dates,~~
38 ~~it is necessary that this act take effect immediately.~~

1 *SEC. 4. This act shall become operative on January 1, 2016.*

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