

**ASSEMBLY BILL**

**No. 1271**

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**Introduced by Assembly Member Grove**

February 27, 2015

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An act to amend Sections 3020 and 4103 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1271, as introduced, Grove. Elections: vote by mail ballots.

Existing law requires that all vote by mail ballots be received by the elections official from whom they were obtained or by the precinct board no later than the close of the polls on election day. Existing law, notwithstanding that provision, provides that a vote by mail ballot is timely cast if it is received by the voter's elections official via the United States Postal Service or a bona fide private mail delivery company no later than 3 days after election day and either (1) 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, or (2) if the ballot has no postmark, a postmark with no date, or an illegible postmark, the vote by mail ballot identification envelope is date stamped by the elections official upon receipt of the vote by mail ballot from the United States Postal Service or a bona fide private mail delivery company, and is signed and dated by the voter, as specified, on or before election day.

This bill would instead provide that a vote by mail ballot is timely cast if it is received by the voter's elections official via the United States Postal Service no later than 3 days after election day and the ballot is postmarked on or before election day.

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 3020 of the Elections Code is amended  
2 to read:

3 3020. (a) All vote by mail ballots cast under this division shall  
4 be received by the elections official from whom they were obtained  
5 or by the precinct board no later than the close of the polls on  
6 election day.

7 (b) Notwithstanding subdivision (a), any vote by mail ballot  
8 cast under this division shall be timely cast if it is received by the  
9 voter’s elections official via the United States Postal Service ~~or a~~  
10 ~~bona fide private mail delivery company~~ no later than three days  
11 after election day and ~~either of the following is satisfied: the ballot~~  
12 ~~is postmarked on or before election day.~~

13 ~~(1) The ballot is postmarked on or before election day or is time~~  
14 ~~stamped or date stamped by a bona fide private mail delivery~~  
15 ~~company on or before election day.~~

16 ~~(2) If the ballot has no postmark, a postmark with no date, or~~  
17 ~~an illegible postmark, the vote by mail ballot identification~~  
18 ~~envelope is date stamped by the elections official upon receipt of~~  
19 ~~the vote by mail ballot from the United States Postal Service or a~~  
20 ~~bona fide private mail delivery company, and is signed and dated~~  
21 ~~pursuant to Section 3011 on or before election day.~~

22 SEC. 2. Section 4103 of the Elections Code is amended to read:

23 4103. (a) Notwithstanding Section 3020, ballots cast under  
24 this chapter shall be returned to the elections official from whom  
25 they were obtained no later than 8 p.m. on election day.

26 (b) Notwithstanding subdivision (a), any vote by mail ballot  
27 cast under this chapter shall be timely cast if it is received by the  
28 voter’s elections official via the United States Postal Service ~~or a~~  
29 ~~bona fide private mail delivery company~~ no later than three days  
30 after election day and ~~either of the following is satisfied: the ballot~~  
31 ~~is postmarked on or before election day.~~

32 ~~(1) The ballot is postmarked on or before election day or is time~~  
33 ~~stamped or date stamped by a bona fide private mail delivery~~  
34 ~~company on or before election day.~~

1     ~~(2) If the ballot has no postmark, a postmark with no date, or~~  
2     ~~an illegible postmark, the vote by mail ballot identification~~  
3     ~~envelope is date stamped by the elections official upon receipt of~~  
4     ~~the vote by mail ballot from the United States Postal Service or a~~  
5     ~~bona fide private mail delivery company, and is signed and dated~~  
6     ~~pursuant to Section 3011 on or before election day.~~

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