

AMENDED IN ASSEMBLY MAY 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1271

Introduced by Assembly Member Grove

February 27, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1271, as amended, 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. *The bill would also provide that*

a vote by mail ballot cast by a military or overseas voter 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 by a certified foreign postal service 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~~ a vote by mail ballot
 8 cast under this division ~~shall be~~ is timely cast if it is received by
 9 the voter’s elections official via the United States Postal Service
 10 no later than three days after election day and the ballot is
 11 postmarked on or before election day.

12 (c) *Notwithstanding subdivision (a), a vote by mail ballot cast*
 13 *by a military or overseas voter under this division is timely cast if*
 14 *it is received by the voter’s elections official no later than three*
 15 *days after election day and the ballot is postmarked by a certified*
 16 *foreign postal service on or before election day.*

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

18 4103. (a) Notwithstanding Section 3020, ballots cast under
 19 this chapter shall be returned to the elections official from whom
 20 they were obtained no later than 8 p.m. on election day.

21 (b) Notwithstanding subdivision (a), ~~any~~ a vote by mail ballot
 22 cast under this chapter ~~shall be~~ is timely cast if it is received by
 23 the voter’s elections official via the United States Postal Service
 24 no later than three days after election day and the ballot is
 25 postmarked on or before election day.

26 (c) *Notwithstanding subdivision (a), a vote by mail ballot cast*
 27 *by a military or overseas voter under this chapter is timely cast if*
 28 *it is received by the voter’s elections official no later than three*

- 1 *days after election day and the ballot is postmarked by a certified*
- 2 *foreign postal service on or before election day.*

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