

AMENDED IN SENATE AUGUST 8, 2016

AMENDED IN ASSEMBLY APRIL 11, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1921**

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**Introduced by Assembly Member Gonzalez**

February 11, 2016

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An act to amend Section 3017 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1921, as amended, Gonzalez. Elections: vote by mail ballots.

Existing law requires that the vote by mail ballot be available to any registered voter. Under existing law, a voter who is unable to return his or her vote by mail ballot may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or person residing in the same household as the vote by mail voter to return the vote by mail ballot. Except in the case of a candidate or the spouse of a candidate, existing law prohibits the return of a voter's vote by mail ballot by one of those designees who is also a paid or volunteer worker of a general purpose committee, controlled committee, or any other group or organization at whose behest the individual designated to return the ballot is performing a service.

This bill would remove those restrictions and instead authorize the designation of any person to return a vote by mail ballot. The bill would prohibit a person designated to return a vote by mail ballot from receiving any form of compensation, as defined, based on the number of ballots that the person has returned and would prohibit an individual, group, or organization from providing compensation on this basis. The

bill would state that any person in charge of a vote by mail ballot who knowingly and willingly engages in criminal acts related to that ballot is subject to the appropriate punishment pursuant to existing law.

*This bill would incorporate additional changes to Section 3017 of the Elections Code proposed by SB 450 that would become operative only if SB 450 and this bill are both chaptered and this bill is chaptered last.*

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 3017 of the Elections Code is amended  
2 to read:  
3 3017. (a) All vote by mail ballots cast under this division shall  
4 be voted on or before the day of the election. After marking the  
5 ballot, the vote by mail voter shall do any of the following: (1)  
6 return the ballot by mail or in person to the elections official from  
7 whom it came, (2) return the ballot in person to a member of a  
8 precinct board at a polling place within the jurisdiction, or (3)  
9 return the ballot to the elections official from whom it came at a  
10 vote by mail ballot drop-off location, if provided pursuant to  
11 Section 3025. However, a vote by mail voter who is unable to  
12 return the ballot may designate any person to return the ballot to  
13 the elections official from whom it came or to the precinct board  
14 at a polling place within the jurisdiction. The ballot must, however,  
15 be received by either the elections official from whom it came or  
16 the precinct board before the close of the polls on election day.  
17 (b) The elections official shall establish procedures to ensure  
18 the secrecy of a ballot returned to a precinct polling place and the  
19 security, confidentiality, and integrity of any personal information  
20 collected, stored, or otherwise used pursuant to this section.  
21 (c) On or before March 1, 2008, the elections official shall  
22 establish procedures to track and confirm the receipt of voted vote  
23 by mail ballots and to make this information available by means  
24 of online access using the county’s elections division Internet Web  
25 site. If the county does not have an elections division Internet Web  
26 site, the elections official shall establish a toll-free telephone  
27 number that may be used to confirm the date a voted vote by mail  
28 ballot was received.

1 (d) The provisions of this section are mandatory, not directory,  
2 and a ballot shall not be counted if it is not delivered in compliance  
3 with this section.

4 (e) (1) A person designated to return a vote by mail ballot shall  
5 not receive any form of compensation based on the number of  
6 ballots that the person has returned and no individual, group, or  
7 organization shall provide compensation on this basis.

8 (2) For purposes of this paragraph, “compensation” means any  
9 form of monetary payment, goods, services, benefits, promises or  
10 offers of employment, or any other form of consideration offered  
11 to another person in exchange for returning another voter’s vote  
12 by mail ballot.

13 (3) Any person in charge of a vote by mail ballot and who  
14 knowingly and willingly engages in criminal acts related to that  
15 ballot as described in Division 18 (commencing with Section  
16 18000), including, but not limited to, fraud, bribery, intimidation,  
17 and tampering with or failing to deliver the ballot in a timely  
18 fashion, is subject to the appropriate punishment specified in that  
19 division.

20 *SEC. 1.5. Section 3017 of the Elections Code is amended to*  
21 *read:*

22 3017. (a) All vote by mail ballots cast under this division shall  
23 be voted on or before the day of the election. After marking the  
24 ballot, the vote by mail voter shall do any of the following: (1)  
25 return the ballot by mail or in person to the elections official ~~from~~  
26 ~~whom it came, who issued the ballot,~~ (2) return the ballot in person  
27 to a member of a precinct board at a polling place *or vote center*  
28 ~~within the jurisdiction, state,~~ or (3) return the ballot to the elections  
29 ~~official from whom it came at a vote by mail ballot drop-off~~  
30 ~~location, if dropoff location within the state that is provided~~  
31 ~~pursuant to Section 3025. 3025 or 4005.~~ However, a vote by mail  
32 voter who is unable to return the ballot may designate ~~his or her~~  
33 ~~spouse, child, parent, grandparent, grandchild, brother, sister, or~~  
34 ~~a person residing in the same household as the vote by mail voter~~  
35 ~~any person~~ to return the ballot to the elections official ~~from whom~~  
36 ~~it came or who issued the ballot,~~ to the precinct board at a polling  
37 place *or vote center* within the ~~jurisdiction. state,~~ *or to a vote by*  
38 *mail ballot dropoff location within the state that is provided*  
39 *pursuant to Section 3025 or 4005.* The ballot must, however, be  
40 received by ~~either the elections official from whom it came or who~~

1 issued the ballot, the precinct ~~board~~ board, or the vote by mail  
2 ballot dropoff location before the close of the polls on election  
3 day. If a vote by mail ballot is returned to a precinct board at a  
4 polling place or vote center, or to a vote by mail ballot dropoff  
5 location, that is located in a county that is not the county of the  
6 elections official who issued the ballot, the elections official for  
7 the county in which the vote by mail ballot is returned shall forward  
8 the ballot to the elections official who issued the ballot no later  
9 than eight days after receipt.

10 (b) The elections official shall establish procedures to ensure  
11 the secrecy of a ballot returned to a precinct polling place and the  
12 security, confidentiality, and integrity of any personal information  
13 collected, stored, or otherwise used pursuant to this section.

14 (c) On or before March 1, 2008, the elections official shall  
15 establish procedures to track and confirm the receipt of voted vote  
16 by mail ballots and to make this information available by means  
17 of online access using the county's elections division Internet Web  
18 site. If the county does not have an elections division Internet Web  
19 site, the elections official shall establish a toll-free telephone  
20 number that may be used to confirm the date a voted vote by mail  
21 ballot was received.

22 (d) The provisions of this section are mandatory, not directory,  
23 and a ballot shall not be counted if it is not delivered in compliance  
24 with this section.

25 (e) ~~Notwithstanding subdivision (a), a(1) A person designated~~  
26 ~~to return a vote by mail voter's ballot shall not be returned by a~~  
27 ~~paid or volunteer worker of a general purpose committee,~~  
28 ~~controlled committee, independent expenditure committee, political~~  
29 ~~party, candidate's campaign committee, or any other group or~~  
30 ~~organization at whose behest the individual designated to return~~  
31 ~~the ballot is performing a service. However, this subdivision does~~  
32 ~~not apply to a candidate or a candidate's spouse. receive any form~~  
33 ~~of compensation based on the number of ballots that the person~~  
34 ~~has returned and no individual, group, or organization shall~~  
35 ~~provide compensation on this basis.~~

36 (2) For purposes of this paragraph, "compensation" means  
37 any form of monetary payment, goods, services, benefits, promises  
38 or offers of employment, or any other form of consideration offered  
39 to another person in exchange for returning another voter's vote  
40 by mail ballot.

1     (3) Any person in charge of a vote by mail ballot and who  
2 knowingly and willingly engages in criminal acts related to that  
3 ballot as described in Division 18 (commencing with Section  
4 18000), including, but not limited to, fraud, bribery, intimidation,  
5 and tampering with or failing to deliver the ballot in a timely  
6 fashion, is subject to the appropriate punishment specified in that  
7 division.

8     SEC. 2. Section 1.5 of this bill incorporates amendments to  
9 Section 3017 of the Elections Code proposed by both this bill and  
10 Senate Bill 450. It shall only become operative if (1) both bills are  
11 enacted and become effective on or before January 1, 2017, (2)  
12 each bill amends Section 3017 of the Elections Code, and (3) this  
13 bill is enacted after Senate Bill 450, in which case Section 1 of this  
14 bill shall not become operative.