

**Introduced by Senator Pavley**February 24, 2015

---

---

An act to amend Section 3017 of, and to add Section 3025 to, the Elections Code, relating to elections.

## LEGISLATIVE COUNSEL'S DIGEST

SB 365, as introduced, Pavley. Vote by mail ballot drop boxes.

Existing law provides that the Secretary of State is the chief elections officer of the state and requires the Secretary of State to administer the provisions of the Elections Code. Existing law authorizes the Secretary of State to adopt regulations to assure the uniform application and administration of state election laws.

Existing law sets forth procedures for processing vote by mail ballots and requires that all vote by mail ballots cast be received by the elections official or by the precinct board no later than the close of polls on election day. Under existing law, a vote by mail voter is required to return his or her voted vote by mail ballot either by returning the ballot by mail or in person to the elections official from whom it came or by returning the ballot in person to a member of a precinct board at a polling place within the jurisdiction.

This bill would permit a vote by mail voter to return his or her voted vote by mail ballot to the elections official from whom it came at a vote by mail ballot drop-off location, as defined. This bill would require the Secretary of State to promulgate regulations establishing best practices for security measures and procedures that a county elections official may use if the county elections official establishes one or more vote by mail ballot drop-off locations and vote by mail ballot drop boxes, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 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 ~~either~~ any of the following:  
 6 (1) return the ballot by mail or in person to the elections official  
 7 from whom it ~~came or~~ came, (2) return the ballot in person to a  
 8 member of a precinct board at a polling place within the  
 9 ~~jurisdiction~~: jurisdiction, or (3) return the ballot to the elections  
 10 official from whom it came at a vote by mail ballot drop-off  
 11 location, if provided pursuant to Section 3025. However, a vote  
 12 by mail voter who is unable to return the ballot may designate his  
 13 or her spouse, child, parent, grandparent, grandchild, brother, sister,  
 14 or a person residing in the same household as the vote by mail  
 15 voter to return the ballot to the elections official from whom it  
 16 came or to the precinct board at a polling place within the  
 17 jurisdiction. The ballot must, however, be received by either the  
 18 elections official from whom it came or the precinct board before  
 19 the close of the polls on election day.  
 20 (b) The elections official shall establish procedures to ensure  
 21 the secrecy of a ballot returned to a precinct polling place and the  
 22 security, confidentiality, and integrity of any personal information  
 23 collected, stored, or otherwise used pursuant to this section.  
 24 (c) On or before March 1, 2008, the elections official shall  
 25 establish procedures to track and confirm the receipt of voted vote  
 26 by mail ballots and to make this information available by means  
 27 of online access using the county’s elections division Internet Web  
 28 site. If the county does not have an elections division Internet Web  
 29 site, the elections official shall establish a toll-free telephone  
 30 number that may be used to confirm the date a voted vote by mail  
 31 ballot was received.  
 32 (d) The provisions of this section are mandatory, not directory,  
 33 and a ballot shall not be counted if it is not delivered in compliance  
 34 with this section.

1 (e) Notwithstanding subdivision (a), a vote by mail voter’s ballot  
2 shall not be returned by a paid or volunteer worker of a general  
3 purpose committee, controlled committee, independent expenditure  
4 committee, political party, candidate’s campaign committee, or  
5 any other group or organization at whose behest the individual  
6 designated to return the ballot is performing a service. However,  
7 this subdivision does not apply to a candidate or a candidate’s  
8 spouse.

9 SEC. 2. Section 3025 is added to the Elections Code, to read:

10 3025. (a) For purposes of this section, the following terms  
11 have the following meanings:

12 (1) “Vote by mail ballot drop box” means a secure receptacle  
13 established by a county or city and county elections official  
14 whereby a voted vote by mail ballot may be returned to the  
15 elections official from whom it was obtained.

16 (2) “Vote by mail ballot drop-off location” means a location  
17 consisting of a secured vote by mail ballot drop box at which a  
18 voted vote by mail ballot may be returned to the elections official  
19 from whom it was obtained.

20 (b) The Secretary of State shall promulgate regulations  
21 establishing best practices for security measures and procedures  
22 that a county elections official may use if the county elections  
23 official establishes one or more vote by mail ballot drop-off  
24 locations.