

AMENDED IN ASSEMBLY JUNE 15, 2015

SENATE BILL

No. 450

Introduced by ~~Senator~~ *Senators Allen and Hertzberg*
(Principal coauthor: Assembly Member Gonzalez)

February 25, 2015

An act to ~~amend Section 3022 of~~ *add Section 4005 to* the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 450, as amended, Allen. Elections: ~~sample ballots.~~ *all-mailed ballot elections.*

Existing law authorizes cities with a population of less than 100,000 persons, school districts, and special districts to conduct an all-mailed ballot special election to fill a vacancy on the legislative or governing body of those entities under specified conditions.

This bill would, on or after January 1, 2018, authorize a county to conduct any election as an all-mailed ballot election if certain conditions are satisfied, including conditions related to ballot dropoff locations and polling centers. The bill would require a county that conducts an all-mailed ballot election to report certain information to the Legislature and the Secretary of State regarding the success of the first all-mailed ballot election conducted pursuant to these provisions.

~~Existing law, for each election, requires each appropriate elections official to cause to be printed sample ballots, as specified, and requires the sample ballots to be mailed to each registered voter not more than 40 nor less than 21 days before the election. Existing law requires the elections official to include with the sample ballot an application for a vote by mail ballot.~~

~~This bill would require the application for a vote by mail ballot that is included with the sample ballot to include a space for the voter to apply for permanent vote by mail status. By requiring elections officials to provide a higher level of service, the 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.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~.
State-mandated local program: ~~yes-no~~.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4005 is added to the Elections Code, to
2 read:

3 4005. (a) Notwithstanding Section 4000 or any other law, on
4 or after January 1, 2018, a county may conduct any election as
5 an all-mailed ballot election if all of the following apply:

6 (1) (A) At least one ballot dropoff location is provided within
7 the jurisdiction where the election is held or the number of ballot
8 dropoff locations are fixed in a manner so that there is at least
9 one ballot dropoff location provided for every 5,000 registered
10 voters within the jurisdiction where the election is held, as
11 determined on the 88th day before the day of the election,
12 whichever results in more ballot dropoff locations.

13 (B) A ballot dropoff location provided for under this section
14 consists of a locked ballot box located in a secure public building
15 that meets the accessibility requirements for a polling place and
16 is open during business hours to receive voted vote by mail ballots
17 beginning not less than 14 days before the date of the election.

18 (2) Ballot dropoff locations are placed in a manner that best
19 serves the voters at accessible locations as near as possible to
20 established public transportation routes.

21 (3) The county elections official permits a voter residing in the
22 county to do any of the following at a polling center:

23 (A) Return, or vote and return, his or her vote by mail ballot.

1 (B) Register to vote and vote pursuant to Section 2170.

2 (C) Receive and vote a provisional ballot pursuant to Section
3 3016 or Article 5 (commencing with Section 14310) of Chapter 3
4 of Division 14.

5 (4) Every polling center is open to voters not less than 10 days
6 before the date of the election for a minimum of eight hours per
7 day except that every polling center is open from 7 a.m. to 8 p.m.
8 on the day of the election, except as provided in Section 14401.

9 (5) (A) At least one polling center is provided within the
10 jurisdiction where the election is held or the number of polling
11 centers are fixed in a manner so that there is at least one polling
12 center provided for every 15,000 registered voters within the
13 jurisdiction where the election is held, as determined on the 88th
14 day before the day of the election, whichever results in more polling
15 centers.

16 (B) The polling centers provided under this section are
17 established in accordance with the accessibility requirements
18 described in Article 5 (commencing with Section 12280) of Chapter
19 3 of Division 12, the federal Americans with Disabilities Act of
20 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Help America
21 Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), and the federal
22 Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

23 (C) The polling centers provided under this section are
24 established at accessible locations as near as possible to
25 established public transportation routes and are equipped with
26 voting units or systems that are accessible to individuals with
27 disabilities and that provide the same opportunity for access and
28 participation as is provided to voters who are not disabled,
29 including the ability to vote privately and independently in
30 accordance with Sections 12280 and 19240.

31 (6) (A) Except as otherwise provided for in this section, precinct
32 boards for the polling centers established under this section meet
33 the requirements for eligibility and composition pursuant to Article
34 1 (commencing with Section 12300) of Chapter 4 of Division 12.

35 (B) If a polling center is located in an area otherwise consisting
36 of one or more precincts for which the county elections official is
37 required to recruit precinct board members who are fluent in a
38 language in addition to English pursuant to subdivision (c) of
39 Section 12303 and the federal Voting Rights Act of 1965 (52 U.S.C.
40 Sec. 10101 et seq.), the county elections official makes reasonable

1 *efforts to ensure that the polling center is staffed by precinct board*
2 *members who speak that language.*

3 (7) (A) *The county elections official delivers to each voter all*
4 *supplies necessary for the use and return of the vote by mail ballot,*
5 *including an envelope for the return of the voted vote by mail*
6 *ballot.*

7 (B) *The county elections official delivers to each voter, with*
8 *either the sample ballot sent pursuant to Section 13303 or with*
9 *the vote by mail ballot, all of the following:*

10 (i) *A notice, translated in all languages required under*
11 *subdivision (c) of Section 14201 and Section 203 of the federal*
12 *Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), that*
13 *informs voters of all of the following:*

14 (I) *An all-mailed ballot election is being conducted and each*
15 *eligible voter will receive a vote by mail ballot by mail.*

16 (II) *The voter may cast a vote by mail ballot in person at a*
17 *polling center during the times and days specified in paragraph*
18 *(4) or on election day.*

19 (III) *The voter may request the county elections official to send*
20 *a vote by mail ballot in a language other than English pursuant*
21 *to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C.*
22 *Sec. 10101 et seq.) or a facsimile copy of the ballot printed in a*
23 *language other than English pursuant to Section 14201.*

24 (ii) *A list of the ballot dropoff locations and polling centers*
25 *established pursuant to this section. The list shall also be posted*
26 *on the Internet Web site of the county elections official.*

27 (iii) *A postage-paid postcard that the voter may return to the*
28 *county elections official for the purpose of requesting a vote by*
29 *mail ballot in a language other than English.*

30 (8) (A) *The county elections official submits to the Secretary*
31 *of State a voter education and outreach plan to be implemented*
32 *by the county for any election conducted pursuant to this section.*
33 *The voter education and outreach plan shall include, but shall not*
34 *be limited to, all of the following:*

35 (i) *One education and outreach meeting that includes*
36 *representatives, advocates, and other stakeholders representing*
37 *each community for which the county is required to provide voting*
38 *materials and assistance in a language other than English under*
39 *subdivision (c) of Section 14201 and the federal Voting Rights Act*
40 *of 1965 (52 U.S.C. Sec. 10101 et seq.).*

1 (ii) *One education and outreach meeting that includes*
2 *representatives from community organizations and individuals*
3 *that advocate on behalf of, or provide services to, individuals with*
4 *disabilities.*

5 (iii) *At least one bilingual voter education workshop for each*
6 *language in which the county is required to provide voting*
7 *materials and assistance under subdivision (c) of Section 14201*
8 *and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101*
9 *et seq.).*

10 (iv) *At least one voter education workshop to increase*
11 *accessibility for participation of eligible voters with disabilities.*

12 (v) *A toll-free voter assistance hotline maintained by the county*
13 *elections official that is operational no later than 29 days before*
14 *the date of the election until 5 p.m. on the day after the election.*
15 *The toll-free voter assistance hotline shall provide assistance to*
16 *voters in all languages in which the county is required to provide*
17 *voting materials and assistance under subdivision (c) of Section*
18 *14201 and the federal Voting Rights Act of 1965 (52 U.S.C. Sec.*
19 *10101 et seq.).*

20 (vi) *At least one public service announcement in the media,*
21 *including newspapers, radio, and television, that serve*
22 *English-speaking citizens for purposes of informing voters of the*
23 *upcoming election and promoting the toll-free voter assistance*
24 *hotline.*

25 (vii) *At least one public service announcement in the media,*
26 *including newspapers, radio, and television, that serve*
27 *non-English-speaking citizens for each language in which the*
28 *county is required to provide voting materials and assistance under*
29 *subdivision (c) of Section 14201 and the federal Voting Rights Act*
30 *of 1965 (52 U.S.C. Sec. 10101 et seq.) for purposes of informing*
31 *voters of the upcoming election and promoting the toll-free voter*
32 *assistance hotline.*

33 (viii) *A voter education social media strategy that is developed*
34 *in partnership with community organizations and individuals that*
35 *advocate on behalf of, or provide services to, non-English-speaking*
36 *individuals and individuals with disabilities.*

37 (B) *The voter education and outreach plan is posted on the*
38 *Internet Web site of the Secretary of State and on the Internet Web*
39 *site of the county elections official.*

1 (b) Except as otherwise provided in this section, the election
2 day procedures shall be conducted in accordance with Division
3 14 (commencing with Section 14000).

4 (c) The county elections official may provide, at his or her
5 discretion, additional ballot dropoff locations and polling centers
6 for purposes of this section.

7 (d) The return of voted vote by mail ballots is subject to Sections
8 3017 and 3020.

9 (e) For the sole purpose of reporting the results of an election
10 conducted pursuant to this section, upon completion of the ballot
11 count, the county elections official shall divide the jurisdiction
12 into precincts pursuant to Article 2 (commencing with Section
13 12220) of Chapter 3 of Division 12 and shall prepare a statement
14 of the results of the election in accordance with Sections 15373
15 and 15374.

16 (f) (1) If an election is conducted pursuant to this section, the
17 county shall report to the Legislature and to the Secretary of State
18 regarding the success of the first election conducted pursuant to
19 this section, including, but not limited to, all of the following:

20 (A) Any statistics on the cost to conduct the election.

21 (B) The turnout of different populations, including, but not
22 limited to, and to the extent possible, the population categories of
23 race, ethnicity, language preference, age, gender, disability,
24 permanent vote by mail status, and political party affiliation as it
25 relates to the languages required under the federal Voting Rights
26 Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

27 (C) The number of ballots that were not counted and the reasons
28 they were rejected.

29 (D) Voter fraud.

30 (E) Any other problems that became known to the county during
31 the election or canvass.

32 (2) Whenever possible, using the criteria set forth in paragraph
33 (1), the report shall compare the election conducted pursuant to
34 this section to similar elections not conducted pursuant to this
35 section in the same jurisdiction or comparable jurisdictions.

36 (3) Within six months after the date of the election or before the
37 date of a subsequent election conducted pursuant to this section,
38 whichever is sooner, a county shall do all of the following with
39 respect to the report required by this subdivision:

1 (A) *Submit the report to the Legislature in compliance with*
2 *Section 9795 of the Government Code.*

3 (B) *Submit the report to the Secretary of State.*

4 (C) *Post the report on the Internet Web site of the county*
5 *elections official.*

6 ~~SECTION 1. Section 3022 of the Elections Code is amended~~
7 ~~to read:~~

8 ~~3022. The elections official shall include with the sample ballot~~
9 ~~an application for a vote by mail ballot, and the application shall~~
10 ~~include a space for the voter to apply for permanent vote by mail~~
11 ~~status.~~

12 ~~SEC. 2. If the Commission on State Mandates determines that~~
13 ~~this act contains costs mandated by the state, reimbursement to~~
14 ~~local agencies and school districts for those costs shall be made~~
15 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
16 ~~4 of Title 2 of the Government Code.~~