

AMENDED IN SENATE AUGUST 25, 2009

AMENDED IN SENATE AUGUST 17, 2009

AMENDED IN SENATE JULY 16, 2009

AMENDED IN SENATE JUNE 23, 2009

AMENDED IN ASSEMBLY MAY 12, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1228

Introduced by Assembly Member Yamada
(Principal coauthors: Assembly Members Coto and Fong)
(Coauthor: Senator Alquist)

February 27, 2009

An act to add and repeal Section 4001 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1228, as amended, Yamada. Elections: all-mailed ballot elections.

Existing law authorizes a local, special, or consolidated election to be conducted as an all-mailed ballot election, so long as specified conditions are satisfied.

This bill would authorize as a pilot program, until December 31, 2016, elections in Yolo and Santa Clara Counties, other than statewide primary or general elections or special elections to fill a vacancy in a state office, the Legislature, or Congress, to be conducted as all-mailed ballot elections if specified conditions are satisfied.

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 4001 is added to the Elections Code, to
2 read:
- 3 4001. (a) Notwithstanding Section 4000, as a pilot program,
4 elections in Santa Clara and Yolo Counties may be conducted as
5 all-mailed ballot elections, subject to the following conditions:
- 6 (1) The governing body of the city, county, or district, by
7 resolution, authorizes the all-mailed ballot election and notifies
8 the Secretary of State of its intent to conduct an all-mailed ballot
9 election at least 88 days prior to the date of the election.
- 10 (2) The election does not occur on the same date as a statewide
11 primary or general election or any other election conducted in an
12 overlapping jurisdiction that is not consolidated and conducted as
13 an all-mailed ballot election pursuant to this section.
- 14 (3) The election is not a special election to fill a vacancy in a
15 state office, the Legislature, or Congress.
- 16 (4) At least one polling place is provided in each city within the
17 jurisdiction and is open to receive voted ballots for at least two
18 weeks before the date of the election and until 8 p.m. on the day
19 of the election.
- 20 (5) The elections official delivers to each voter all supplies
21 necessary for the use and return of the mail ballot, including an
22 envelope for the return of the voted mail ballot, postage prepaid.
- 23 (6) The elections official delivers to each voter, with either the
24 sample ballot sent pursuant to Section 13303 or with the voter's
25 ballot, a list of the polling places provided pursuant to paragraph
26 (4), and this list is also posted on the Internet Web site of the
27 county elections office.
- 28 (7) The return of voted mail ballots is subject to Section 3017.
- 29 (8) The polling places provided under this section are at an
30 accessible location and are equipped with voting units or systems
31 that are accessible to individuals with disabilities and that provide
32 the same opportunity for access and participation, including the
33 ability to vote privately and independently.
- 34 (9) Elections pursuant to this section may be held on no more
35 than three different dates in each county.

1 (b) (1) If a county conducts an all-mailed ballot election, on or
2 before December 31, 2016, the county shall report to the
3 Legislature and to the Secretary of State regarding the success of
4 the election, including, but not limited to, any statistics on the cost
5 to conduct the election; the turnout of different populations,
6 including whenever possible, but not limited to, the population
7 categories of race, ethnicity, age, gender, disability, permanent
8 ~~vote-by-mail~~ *vote by mail* status, and political party affiliation; the
9 number of ballots that are not counted and the reasons they were
10 rejected; voter fraud; and any other problems that become known
11 to the county during the election or canvass.

12 (2) Whenever possible, using the criteria set forth in paragraph
13 (1), the report of the county shall compare the success of the
14 all-mailed ballot election to similar elections not conducted as
15 all-mailed ballot elections in the same jurisdiction.

16 (3) The report of the county shall be submitted to the Legislature
17 within six months after the date of the all-mailed ballot election
18 or prior to the date of any other all-mailed ballot election subject
19 to this section to be conducted in the county, whichever is sooner.

20 (c) This section shall remain in effect only until December 31,
21 2016, and as of that date is repealed, unless a later enacted statute,
22 that is enacted before December 31, 2016, deletes or extends that
23 date.