

Assembly Bill No. 1228

Passed the Assembly September 8, 2009

Chief Clerk of the Assembly

Passed the Senate September 1, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1228, 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.

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

SECTION 1. Section 4001 is added to the Elections Code, to read:

4001. (a) Notwithstanding Section 4000, as a pilot program, elections in Santa Clara and Yolo Counties may be conducted as all-mailed ballot elections, subject to the following conditions:

(1) The governing body of the city, county, or district, by resolution, authorizes the all-mailed ballot election and notifies the Secretary of State of its intent to conduct an all-mailed ballot election at least 88 days prior to the date of the election.

(2) The election does not occur on the same date as a statewide primary or general election or any other election conducted in an overlapping jurisdiction that is not consolidated and conducted as an all-mailed ballot election pursuant to this section.

(3) The election is not a special election to fill a vacancy in a state office, the Legislature, or Congress.

(4) At least one polling place is provided in each city within the jurisdiction and is open to receive voted ballots for at least two weeks before the date of the election and until 8 p.m. on the day of the election.

(5) The elections official delivers to each voter all supplies necessary for the use and return of the mail ballot, including an envelope for the return of the voted mail ballot, postage prepaid.

(6) The elections official delivers to each voter, with either the sample ballot sent pursuant to Section 13303 or with the voter's ballot, a list of the polling places provided pursuant to paragraph (4), and this list is also posted on the Internet Web site of the county elections office.

(7) The return of voted mail ballots is subject to Section 3017.

(8) The polling places provided under this section are at an accessible location and are equipped with voting units or systems that are accessible to individuals with disabilities and that provide the same opportunity for access and participation, including the ability to vote privately and independently.

(9) Elections pursuant to this section may be held on no more than three different dates in each county.

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

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

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

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

Approved _____, 2009

Governor