

ASSEMBLY BILL

No. 1367

**Introduced by Assembly Members Fletcher, Cook, DeVore,
Gilmore, and Knight**

February 27, 2009

An act to add Section 3020.5 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1367, as introduced, Fletcher. Elections: vote by mail ballots.

Existing law requires that a vote by mail ballot be received by the issuing elections official or the precinct board no later than the close of polls on election day.

This bill would make an exception for specified members of the military stationed outside of the United States, and instead require that their vote by mail ballot be postmarked on or before election day and received by their elections official not later than 21 days after election day.

Because the bill would impose additional duties on elections officials, it 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.
State-mandated local program: yes.

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

1 SECTION 1. Section 3020.5 is added to the Elections Code,
2 to read:
3 3020.5. Notwithstanding Section 3311, Section 4103, or any
4 other provision of law, a vote by mail ballot of a member of the
5 Armed Forces of the United States or any auxiliary branch thereof
6 who is stationed outside of the territorial limits of the United States
7 or the District of Columbia shall be cast and postmarked by the
8 United States Postal Service or the Military Postal Service Agency
9 on or before election day and shall be received by the voter's
10 elections official not later than 21 days after election day.
11 SEC. 2. If the Commission on State Mandates determines that
12 this act contains costs mandated by the state, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.