

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1367

**Introduced by Assembly Members Fletcher, Cook, DeVore,
Gilmore, and Knight**
(Principal coauthor: Senator Runner)

February 27, 2009

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1367, as amended, 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~~ *absent uniformed services voters, as defined*, and *would* instead require that their vote by mail ballot be postmarked *or signed and dated by the voter* 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 3020, 3311, ~~Section~~ or 4103,
4 or any other provision of law, a vote by mail ballot of a member
5 of the Armed Forces of the United States ~~or any auxiliary branch~~
6 ~~thereof who is stationed outside of the territorial limits of the~~
7 ~~United States or the District of Columbia shall be cast and~~
8 ~~postmarked by the~~ *who is an absent uniformed services voter, as*
9 *defined by subsection (1) of Section 1973ff-6 of Title 42 of the*
10 *United States Code, shall be timely cast if it is postmarked by the*
11 *United States Postal Service or the Military Postal Service Agency*
12 *or is signed and dated by the voter on or before election day and*
13 ~~shall be~~ received by the voter's elections official not later than 21
14 days after election day.
15 SEC. 2. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.