

AMENDED IN ASSEMBLY APRIL 28, 2009

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~~ 3103.7 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 ~~absent-uniformed-services~~ *special absentee* voters, as defined, *temporarily living outside of the territorial limits of the United States or the District of Columbia* 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~~ 3103.7 is added to the Elections
2 Code, to read:
3 ~~3020.5.~~
4 3103.7. Notwithstanding Section 3020, 3311, or 4103, or any
5 other provision of law, a vote by mail ballot of a ~~member of the~~
6 ~~Armed Forces of the United States who is an absent uniformed~~
7 ~~services voter, as defined by subsection (1) of Section 1973ff-6 of~~
8 ~~Title 42 of the United States Code, special absentee voter under~~
9 ~~subdivision (b) of Section 300 who is temporarily living outside~~
10 ~~of the territorial limits of the United States or the District of~~
11 ~~Columbia~~ shall be timely cast if it is postmarked by the United
12 States Postal Service or the Military Postal Service Agency or is
13 signed and dated by the voter on or before election day and
14 received by the voter's elections official not later than 21 days
15 after election day.
16 SEC. 2. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.