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SB-365 Vote by mail ballot drop-off locations. (2015-2016)

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Senate Bill No. 365

CHAPTER 733

An act to amend Section 3017 of, and to add Section 3025 to, the Elections Code, relating to elections.

[Approved by Governor October 10, 2015. Filed with Secretary of State October 10, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 365, Pavley. Vote by mail ballot drop-off locations.

Existing law provides that the Secretary of State is the chief elections officer of the state and requires the Secretary of State to administer the provisions of the Elections Code. Existing law authorizes the Secretary of State to adopt regulations to ensure the uniform application and administration of state election laws.

Existing law sets forth procedures for processing vote by mail ballots and requires that all vote by mail ballots cast be received by the elections official or by the precinct board no later than the close of polls on election day. Under existing law, a vote by mail voter is required to return his or her voted vote by mail ballot either by returning the ballot by mail or in person to the elections official from whom it came or by returning the ballot in person to a member of a precinct board at a polling place within the jurisdiction.

This bill would permit a vote by mail voter to return his or her voted vote by mail ballot to the elections official from whom it came at a vote by mail ballot drop-off location, as defined. The bill would require the Secretary of State, on or before January 1, 2017, to promulgate regulations establishing guidelines based on best practices for security measures and procedures that a county elections official may use if the county elections official establishes one or more vote by mail ballot drop-off locations and vote by mail ballot drop boxes, as defined.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 3017 of the Elections Code is amended to read:

3017. (a) All vote by mail ballots cast under this division shall be voted on or before the day of the election. After marking the ballot, the vote by mail voter shall do any of the following: (1) return the ballot by mail or in person to the elections official from whom it came, (2) return the ballot in person to a member of a precinct board at a polling place within the jurisdiction, or (3) return the ballot to the elections official from whom it came at a vote by mail ballot drop-off location, if provided pursuant to Section 3025. However, a vote by mail voter who is unable to return the ballot may designate his or her spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as the vote by mail voter to return the ballot to the elections official from whom it came or to the precinct board at a polling place within the jurisdiction. The ballot must,

however, be received by either the elections official from whom it came or the precinct board before the close of the polls on election day.

(b) The elections official shall establish procedures to ensure the secrecy of a ballot returned to a precinct polling place and the security, confidentiality, and integrity of any personal information collected, stored, or otherwise used pursuant to this section.

(c) On or before March 1, 2008, the elections official shall establish procedures to track and confirm the receipt of voted vote by mail ballots and to make this information available by means of online access using the county's elections division Internet Web site. If the county does not have an elections division Internet Web site, the elections official shall establish a toll-free telephone number that may be used to confirm the date a voted vote by mail ballot was received.

(d) The provisions of this section are mandatory, not directory, and a ballot shall not be counted if it is not delivered in compliance with this section.

(e) Notwithstanding subdivision (a), a vote by mail voter's ballot shall not be returned by a paid or volunteer worker of a general purpose committee, controlled committee, independent expenditure committee, political party, candidate's campaign committee, or any other group or organization at whose behest the individual designated to return the ballot is performing a service. However, this subdivision does not apply to a candidate or a candidate's spouse.

SEC. 2. Section 3025 is added to the Elections Code, to read:

3025. (a) For purposes of this section, the following terms have the following meanings:

(1) "Vote by mail ballot drop box" means a secure receptacle established by a county or city and county elections official whereby a voted vote by mail ballot may be returned to the elections official from whom it was obtained.

(2) "Vote by mail ballot drop-off location" means a location consisting of a secured vote by mail ballot drop box at which a voted vote by mail ballot may be returned to the elections official from whom it was obtained.

(b) On or before January 1, 2017, the Secretary of State shall promulgate regulations establishing guidelines based on best practices for security measures and procedures, including, but not limited to, chain of custody, pick-up times, proper labeling, and security of the vote by mail ballot drop boxes, that a county elections official may use if the county elections official establishes one or more vote by mail ballot drop-off locations.