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AB-306 Vote by mail ballots. (2017-2018)

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Assembly Bill No. 306

CHAPTER 203

An act to amend Sections 3011 and 3017 of the Elections Code, relating to elections.

[Approved by Governor August 27, 2018. Filed with Secretary of State August 27, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 306, Gonzalez Fletcher. Vote by mail ballots.

Existing law requires a vote by mail voter to return his or her voted vote by mail ballot (1) by mail or in person to the elections official, (2) in person to a member of a precinct board at a polling place or vote center, or (3) to a vote by mail ballot dropoff location, as specified. Existing law permits a vote by mail voter who is unable to return his or her ballot to designate another person to return the ballot. Existing law requires that the identification envelope of a vote by mail ballot contain, among other things, the name of the person authorized to return it, the relationship of that person to the voter, and that person's signature. Existing law requires that all vote by mail ballots be received before the close of the polls on election day and prohibits a ballot from being counted if not received before that time.

This bill would require a person designated to return a voter's vote by mail ballot to return the ballot or put it in the mail no later than three days after receiving it from the voter or before the close of the polls on election day, whichever time period is shorter. However, the bill would prohibit disqualifying a ballot from being counted solely because it was returned or mailed more than three days after the designated person received it from the voter, provided that the ballot is returned by the designated person before the close of polls on election day. The bill would also prohibit disqualifying a ballot solely because the person returning it did not provide on the identification envelope his or her name, relationship to the voter, or signature.

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

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

SECTION 1. Section 3011 of the Elections Code is amended to read:

3011. (a) The identification envelope shall contain all of the following:

- (1) A declaration, under penalty of perjury, stating that the voter resides within the precinct in which he or she is voting and is the person whose name appears on the envelope.
- (2) The signature of the voter.
- (3) The residence address of the voter as shown on the affidavit of registration.
- (4) The date of signing.

(5) A notice that the envelope contains an official ballot and is to be opened only by the canvassing board.

(6) A warning plainly stamped or printed on it that voting twice constitutes a crime.

(7) A warning plainly stamped or printed on it that the voter must sign the envelope in his or her own handwriting in order for the ballot to be counted.

(8) A statement that the voter has neither applied, nor intends to apply, for a vote by mail voter's ballot from any other jurisdiction for the same election.

(9) The name of the person authorized by the voter to return the vote by mail ballot pursuant to Section 3017.

(10) The relationship to the voter of the person authorized to return the vote by mail ballot.

(11) The signature of the person authorized to return the vote by mail ballot.

(b) Except at a primary election for partisan office, and notwithstanding any other provision of law, the vote by mail voter's party preference may not be stamped or printed on the identification envelope.

(c) Notwithstanding paragraphs (9) to (11), inclusive, of subdivision (a), a ballot shall not be disqualified solely because the person authorized to return it did not provide on the identification envelope his or her name, relationship to the voter, or signature.

SEC. 2. Section 3017 of the Elections Code is amended to read:

3017. (a) (1) 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:

(A) Return the ballot by mail or in person to the elections official who issued the ballot.

(B) Return the ballot in person to a member of a precinct board at a polling place or vote center within the state.

(C) Return the ballot to a vote by mail ballot dropoff location within the state that is provided pursuant to Section 3025 or 4005.

(2) A vote by mail voter who is unable to return the ballot may designate another person to return the ballot to the elections official who issued the ballot, to the precinct board at a polling place or vote center within the state, or to a vote by mail ballot dropoff location within the state that is provided pursuant to Section 3025 or 4005. The person designated shall return the ballot in person, or put the ballot in the mail, no later than three days after receiving it from the voter or before the close of the polls on election day, whichever time period is shorter. Notwithstanding subdivision (d), a ballot shall not be disqualified from being counted solely because it was returned or mailed more than three days after the designated person received it from the voter, provided that the ballot is returned by the designated person before the close of polls on election day.

(3) The ballot must be received by the elections official who issued the ballot, the precinct board, or the vote by mail ballot dropoff location before the close of the polls on election day. If a vote by mail ballot is returned to a precinct board at a polling place or vote center, or to a vote by mail ballot dropoff location, that is located in a county that is not the county of the elections official who issued the ballot, the elections official for the county in which the vote by mail ballot is returned shall forward the ballot to the elections official who issued the ballot no later than eight days after receipt.

(b) The elections official shall establish procedures to ensure the secrecy of a ballot returned to a 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) (1) A person designated to return a vote by mail ballot shall not receive any form of compensation based on the number of ballots that the person returns and an individual, group, or organization shall not provide compensation on this basis.

(2) For purposes of this paragraph, "compensation" means any form of monetary payment, goods, services, benefits, promises or offers of employment, or any other form of consideration offered to another person in exchange for returning another voter's vote by mail ballot.

(3) A person in charge of a vote by mail ballot and who knowingly and willingly engages in criminal acts related to that ballot as described in Division 18 (commencing with Section 18000), including, but not limited to, fraud, bribery, intimidation, and tampering with or failing to deliver the ballot in a timely fashion, is subject to the appropriate punishment specified in that division.