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**AB-2608 Elections: vote by mail ballots.** (2021-2022)

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Date Published: 08/22/2022 09:00 PM

**Assembly Bill No. 2608**

**CHAPTER 161**

An act to amend Sections 3001, 3002, 3004, 3005, 3011, 3013, 3014, 3021.5, 3025.5, 3101, 3102, 3106, 3110, 3111, 8002.5, 10704, 10734, 13305, 13502, 15105, 15377, and 18403 of, to amend and repeal Sections 17504 and 17505 of, to repeal Sections 3006, 3007, 3007.5, 3007.7, 3007.8, 3008, 3009, 3021, 18107.5, 18402, and 18576 of, and to repeal Chapter 3 (commencing with Section 3200) of Division 3 of, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[ Approved by Governor August 22, 2022. Filed with Secretary of State August 22, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2608, Berman. Elections: vote by mail ballots.

Prior law, in effect until January 1, 2022, required county elections officials to permit voters with a disability, and military or overseas voters, to cast a ballot using a certified remote accessible vote by mail system. Prior law required a county elections official to mail a ballot to every registered voter for all elections proclaimed or conducted prior to January 1, 2022. Existing law, in effect since January 1, 2022, requires a county elections official to permit any voter to cast a ballot using a certified remote accessible vote by mail system. Existing law indefinitely extends the requirement for a county elections official to mail a ballot to every registered voter for all elections. Existing law establishes procedures to apply for vote by mail status and requires elections officials to mail materials to vote by mail voters, as specified.

This bill would make conforming changes relating to vote by mail ballots and delete obsolete provisions.

Existing law requires an elections official to send a 2nd vote by mail voter ballot to any voter upon receipt of a statement under penalty of perjury that the voter has failed to receive, lost, or destroyed their original ballot.

This bill would additionally require an elections official to provide a 2nd vote by mail ballot to the voter's representative upon receipt of a written request signed by the voter under penalty of perjury, as specified.

Existing law requires a county that does not conduct an all-mailed ballot election to provide at least 2 vote by mail ballot drop-off locations within the jurisdiction where the election is held, or at least one vote by mail ballot drop-off location for every 30,000 registered voters within the jurisdiction where the election is held, whichever results in more vote by mail ballot drop-off locations.

This bill would, for purposes of this provision, require the number of registered voters in the jurisdiction where the election is being held to be determined on the 88th day before the election.

Existing law authorizes a military or overseas voter who returns to the county of their residence to appear before the elections official to make application for registration, as specified. Existing law requires an elections official to deliver a vote by mail ballot to the voter that may be voted in the elections official's office, as specified.

This bill would limit that authorization to a military or overseas voter who returns to the county of their residence after the seventh day prior to the date of the election, as specified.

Existing law authorizes a military or overseas voter who is unable to appear at their polling place because of being recalled to service to appear before the elections official and requires the elections official to deliver to the voter a vote by mail ballot that may be voted in the elections official's office, as specified.

This bill would limit that authorization to a military or overseas voter who is unable to appear at their polling place because of being recalled to service after the seventh day prior to the date of the election, but before 5 p.m. on the day before the day of the election.

Existing law requires elections officials to preserve all applications for vote by mail ballots for 22 months from the date of the election where candidates for specified offices are voted upon, including President of the United States, Vice President of the United States, and United States Senator. Under existing law, an elections official is required to preserve all applications for vote by mail ballots for a period of 6 months from the date of the election for state and local elections, as specified.

This bill would repeal those provisions effective January 1, 2024.

By adding to the duties of local elections officials, this bill 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 the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

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

### **SECTION 1.** Section 3001 of the Elections Code is amended to read:

**3001.** No later than 29 days before the day of the election, the county elections official shall begin mailing the materials required by Section 3010. The county elections official shall have five days to mail a ballot to each active registered voter by the 29th day before the day of the election and five days for each voter who registers to vote after that date. The county elections official shall not discriminate against any region or precinct in the county in choosing which ballots to mail first within the prescribed five-day mailing period.

### **SEC. 2.** Section 3002 of the Elections Code is amended to read:

**3002.** All persons granted confidentiality pursuant to Section 2166 shall (1) be required to vote by mail ballot, and (2) in addition to the required residence address, provide a valid mailing address to the county elections official to be used in place of the residence address.

### **SEC. 3.** Section 3004 of the Elections Code is amended to read:

**3004.** A county elections official shall place a notice in an office within the county where applications are taken for federal passports or where military enlistments are received to inform potential military or overseas voters of their right to a vote by mail voter's ballot and where to obtain registration materials.

### **SEC. 4.** Section 3005 of the Elections Code is amended to read:

**3005.** (a) Whenever, on the 88th day before the election, there are 250 or less persons registered to vote in any precinct, the elections official may furnish each voter with a vote by mail ballot along with a statement that there will be no polling place for the election. The elections official shall also notify each voter of the location of the two nearest polling places in the event the voter chooses to return the ballot on or before election day.

(b) A precinct shall not be divided in order to conform to this section.

### **SEC. 5.** Section 3006 of the Elections Code is repealed.

**SEC. 6.** Section 3007 of the Elections Code is repealed.

**SEC. 7.** Section 3007.5 of the Elections Code is repealed.

**SEC. 8.** Section 3007.7 of the Elections Code is repealed.

**SEC. 9.** Section 3007.8 of the Elections Code is repealed.

**SEC. 10.** Section 3008 of the Elections Code is repealed.

**SEC. 11.** Section 3009 of the Elections Code is repealed.

**SEC. 12.** 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 the voter 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 the voter's own handwriting in order for the ballot to be counted.

(8) A statement that the voter has neither voted nor intends to vote a ballot from any other jurisdiction for the same election.

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

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

(c) Notwithstanding paragraph (9) of subdivision (a), a ballot shall not be disqualified solely because the person authorized to return it did not provide on the identification envelope their name or signature.

(d) County elections officials may continue to use existing supplies prior to printing new identification envelopes that reflect the changes made to this section by the act adding this subdivision.

**SEC. 13.** Section 3013 of the Elections Code is amended to read:

**3013.** Upon delivering or mailing a vote by mail voter's ballot, the elections official shall enter on the affidavit of registration the type of ballot and the date of delivering or mailing. Before the election the elections official shall send to the inspector of each precinct in their county or city a list of the voters in that precinct receiving ballots under the provisions of this chapter.

**SEC. 14.** Section 3014 of the Elections Code is amended to read:

**3014.** (a) The elections official shall provide a second vote by mail voter ballot to any voter upon receipt of a statement under penalty of perjury that the voter has failed to receive, lost, or destroyed their original ballot.

(b) The elections official shall provide a second vote by mail ballot to the voter's representative upon receipt of a written request, on a form prescribed by the Secretary of State, signed by the voter under penalty of perjury, requesting that a ballot be provided to the voter's representative. A ballot shall not be provided until both of the following occur:

(1) The elections official shall compare the signature on the written request with the signature or signatures in the voter's record.

(2) The authorized representative shall sign an acknowledgment of receipt of the voter's ballot.

(c) The voter shall mark the ballot, place it in the identification envelope, fill out and sign the identification envelope, and return the ballot pursuant to Section 3017. These ballots shall be processed and counted in the same manner as other vote by mail ballots.

(d) The elections official shall keep a record of each vote by mail voter ballot sent to and received from a voter and shall verify, prior to counting any duplicate ballot, that the voter has not attempted to vote twice. If it is determined that a voter has attempted to vote twice, both ballots shall be void.

**SEC. 15.** Section 3021 of the Elections Code is repealed.

**SEC. 16.** Section 3021.5 of the Elections Code is amended to read:

**3021.5.** (a) Upon the declaration of an out-of-state emergency by the Governor and the issuance of an executive order authorizing an out-of-state emergency worker to cast a ballot outside of their home precinct, a county elections official shall, upon request of an out-of-state emergency worker pursuant to this chapter, issue a vote by mail ballot to the out-of-state emergency worker using a process to be determined by that elections official. The process shall include all of the following:

(1) Authorization for a vote by mail ballot and accompanying voting materials to be sent to an out-of-state emergency worker by mail, facsimile transmission, or electronic transmission, as requested by the out-of-state emergency worker. An elections official may use reasonable facsimiles of the county voter information guides sent to voters as vote by mail ballots.

(2) A requirement that an out-of-state emergency worker mark the vote by mail ballot provided to them, place it in the vote by mail ballot identification envelope, and return the vote by mail ballot to the elections official from whom it was obtained. If no identification envelope is provided, the envelope used to return the vote by mail ballot to the elections official shall include the information required by subdivision (a) of Section 3011 and a statement signed under penalty of perjury that the voter is an out-of-state emergency worker.

(b) In order to be counted, a vote by mail ballot cast pursuant to this section shall be received in compliance with Section 3020.

(c) An elections official shall receive and canvass vote by mail ballots cast pursuant to this section by the same procedure as for all other vote by mail ballots cast pursuant to this chapter.

**SEC. 17.** Section 3025.5 of the Elections Code is amended to read:

**3025.5.** (a) (1) A county that does not conduct an election pursuant to either Section 4005 or 4007 shall provide at least two vote by mail ballot drop-off locations within the jurisdiction where the election is held or at least one vote by mail ballot drop-off location for every 30,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election, whichever results in more vote by mail ballot drop-off locations.

(2) Notwithstanding paragraph (1), for a jurisdiction with fewer than 30,000 registered voters, at least one vote by mail ballot drop-off location shall be provided. The elections official shall make a reasonable effort to provide a vote by mail ballot drop-off location in the jurisdiction where the election is held.

(b) A vote by mail ballot drop-off location provided for under this section consists of a secure, accessible, and locked ballot box located as near as possible to established public transportation routes and that is able to receive voted ballots. All vote by mail ballot drop-off locations shall be open at least during regular business hours beginning not less than 28 days before the day of the election, and on the day of the election.

(c) At least one vote by mail ballot drop-off location shall be an exterior drop box that is available for a minimum of 12 hours per day.

(d) For the purposes of this section, "vote by mail ballot drop-off location" has the same meaning as in Section 3025.

**SEC. 18.** Section 3101 of the Elections Code is amended to read:

**3101.** (a) The Secretary of State shall see that this chapter is enforced pursuant to Section 12172.5 of the Government Code.

(b) The Secretary of State shall make available to any person who qualifies as a military or overseas voter information regarding voter registration procedures for military or overseas voters and procedures for casting ballots by military or overseas voters.

(c) The elections official for each district shall ensure that their jurisdiction has available a system that would allow a military or overseas voter to electronically request a ballot and other information pursuant to this chapter.

(d) The Secretary of State shall develop standardized military or overseas voter voting materials as required by this chapter.

(e) The Secretary of State shall prescribe the form and content of a declaration for use by a military or overseas voter to swear or affirm specific representations pertaining to the voter's identity, eligibility to vote, and status as a military or overseas voter, and shall further prescribe requirements for the timely and proper completion of a military or overseas voter's ballot. The declaration shall be based on the declaration prescribed to accompany a federal write-in absentee ballot, as modified to be consistent with this chapter. The elections official for each jurisdiction shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

**SEC. 19.** Section 3102 of the Elections Code is amended to read:

**3102.** (a) Any voter who qualifies as a military or overseas voter pursuant to subdivision (b) of Section 300 shall have the right to register for, and to vote in, any election within the state, including any general, special, or primary election for any federal or statewide office or state ballot measure that is voted on statewide. Any voter who qualifies as a military or overseas voter pursuant to subdivision (b) of Section 300 shall also have the right to register for, and to vote in, any other election for any office or ballot measure held in the precinct in which the voter was a resident when the voter was last living within the territorial limits of the United States or the District of Columbia, or, for a military or overseas voter qualified pursuant to paragraph (2) of subdivision (b) of Section 321, in any precinct of the state in which the voter's parent or legal guardian resided when the parent or legal guardian last lived within the territorial limits of the United States or the District of Columbia.

(b) When a military or overseas voter registers to vote, the application shall be completed by the voter and shall contain the voter's name; the voter's date of birth; the address of the voter's residence in the state when the voter was last living within the territorial limits of the United States or the District of Columbia or, if qualified as a military or overseas voter pursuant to paragraph (2) of subdivision (b) of Section 321, the address of the voter's parent or legal guardian when the parent or legal guardian was last living within the territorial limits of the United States or the District of Columbia; the address to which the ballot is to be sent; the voter's political party preference or a statement that the voter declines to disclose a political party preference; and the voter's signature.

(c) If an elections official receives a completed federal postcard application from a person qualified as a military or overseas voter, the application shall be deemed to be an affidavit of registration.

(d) If the applicant is not a resident of the county to which the applicant has applied, the elections official receiving an application from a military or overseas voter shall forward it immediately to the county in which the applicant resided when the applicant was last living within the territorial limits of the United States or the District of Columbia or, for a military or overseas voter qualified pursuant to paragraph (2) of subdivision (b) of Section 321, to the county in which the applicant's parent or legal guardian resided when the parent or legal guardian last lived within the territorial limits of the United States or the District of Columbia.

(e) An application made pursuant to this section that is received by the elections official having jurisdiction over the election and deemed to be an affidavit of registration shall be effective only if it is postmarked on or before the 15th day prior to the election.

**SEC. 20.** Section 3106 of the Elections Code is amended to read:

**3106.** (a) A military or overseas voter who is living outside of the territorial limits of the United States or the District of Columbia, or is called for military service within the United States on or after the seventh day prior to the date of the election, may return their ballot by facsimile transmission. To be counted, the ballot returned by facsimile transmission shall be received by the voter's elections official no later than the closing of the polls on election day and shall be accompanied by an identification envelope containing all of the information required by Section 3011 and an oath of voter declaration in substantially the following form:

"OATH OF VOTER

I, acknowledge that by returning my voted  
ballot by facsimile transmission I have waived my right to have my ballot  
kept secret. Nevertheless, I understand that, as with any vote by mail  
voter, my signature, whether on this oath of voter form or my identification  
envelope, will be permanently separated from my voted ballot to maintain  
its secrecy at the outset of the tabulation process and thereafter.

My residence address (last U.S. residence for voter qualification purposes) is(Street Address) \_\_\_\_\_ (City) \_\_\_\_\_ (ZIP Code).

My current mailing address is(Street Address) \_\_\_\_\_ (City) \_\_\_\_\_ (ZIP Code).

My email address is \_\_\_\_\_. My facsimile transmission number is \_\_\_\_\_.

I am a resident of \_\_\_\_\_ County, State of California, or am qualified as an elector pursuant to paragraph (2) of subdivision (b) of Section 321 of the Elections Code and I have not voted, nor intend to vote, a ballot from any other jurisdiction for the same election.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Signature)

(voter)(power of attorney cannot be accepted)

YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT AND IDENTIFICATION ENVELOPE, ALL OF WHICH ARE RETURNED BY FACSIMILE TRANSMISSION."

(b) Notwithstanding the voter's waiver of the right to a secret ballot, each elections official shall adopt appropriate procedures to protect the secrecy of ballots returned by facsimile transmission.

(c) Upon receipt of a ballot returned by facsimile transmission, the elections official shall determine the voter's eligibility to vote by comparing the signature on the return information with the signature on the voter's affidavit of registration or any signature permitted for comparison under Section 3019. The ballot shall be duplicated and all materials preserved according to procedures set forth in this code.

(d) Notwithstanding subdivision (a), a military or overseas voter who is permitted to return their ballot by facsimile transmission is, nonetheless, encouraged to return their ballot by mail or in person if possible. A military or overseas voter should return a ballot by facsimile transmission only if doing so is necessary for the ballot to be received before the close of polls on election day.

**SEC. 21.** Section 3110 of the Elections Code is amended to read:

**3110.** If any military or overseas voter returns to the county of their residence, or for a military or overseas voter qualified pursuant to paragraph (2) of subdivision (b) of Section 321, to the county in which the applicant's parent or legal guardian resided when the parent or legal guardian last lived within the territorial limits of the United States or the District of Columbia, after the seventh day prior to the date of the election, they may appear before the elections official and make application for registration. The elections official shall register the voter, if the voter is not registered, and deliver to the voter a vote by mail ballot which may be voted in the elections official's office or voted outside the elections official's office on or before the close of the polls on the day of election and returned as are other vote by mail ballots.

**SEC. 22.** Section 3111 of the Elections Code is amended to read:

**3111.** If a military or overseas voter is unable to appear at their polling place because of being recalled to service after the seventh day prior to the date of the election, but before 5 p.m. on the day before the day of the election, they may appear before the elections official in the county in which the military or overseas voter is registered or, if within the state, in the county in which the voter is recalled to service. The elections official shall deliver to the voter a vote by mail ballot which may be voted in the elections official's office or voted outside the elections official's office on or before the close of the polls on the day of election and returned as are other vote by mail ballots. To be counted, the ballot shall be returned to the elections official's office in person, by facsimile transmission, or by an authorized person on or before the close of the polls on the day of the election. If the military or overseas voter appears in the county in which the voter is recalled to service, rather than the county to which the voter is registered, the elections official shall coordinate with the elections official in the county in which the military or overseas voter is registered to provide the ballot that contains the appropriate measures and races for the precinct in which the military or overseas voter is registered.

**SEC. 23.** Chapter 3 (commencing with Section 3200) of Division 3 of the Elections Code is repealed.

**SEC. 24.** Section 8002.5 of the Elections Code is amended to read:

**8002.5.** (a) A candidate for a voter-nominated office shall indicate one of the following upon their declaration of candidacy, which shall be consistent with what appears on the candidate's most recent affidavit of registration:

(1) "Party Preference: \_\_\_\_\_ (insert the name of the qualified political party as disclosed upon your affidavit of registration)."

(2) "Party Preference: None (if you have declined to disclose a preference for a qualified political party upon your affidavit of registration)."

(b) The selection made by a candidate pursuant to subdivision (a) shall appear on the primary and general election ballot in conjunction with the candidate's name, and shall not be changed between the primary and general election.

(c) Regardless of the party preference, or lack of party preference, of the candidate or the voter, any qualified voter may vote for any candidate for a voter-nominated office if the voter is otherwise entitled to vote for candidates for the office to be filled. Nothing in Section 2151, 13102, or 13502 shall be construed to limit the ability of a voter to cast a primary election ballot for any candidate for a voter-nominated office, regardless of the party preference, or lack of party preference, designated by the candidate for inclusion upon the ballot pursuant to this section, provided that the voter is otherwise qualified to cast a ballot for the office at issue.

(d) A candidate designating a party preference pursuant to subdivision (a) shall not be deemed to be the official nominee of the party designated as preferred by the candidate. A candidate's designation of party preference shall not be construed as an endorsement of that candidate by the party designated. The party preference designated by the candidate is shown for the information of the voters only and may in no way limit the options available to voters.

(e) All references to party preference or affiliation shall be omitted from all forms required to be filed by a voter-nominated candidate pursuant to this division in the same manner that such references are omitted from forms required to be filed by nonpartisan candidates pursuant to Section 8002, except that the declaration of candidacy required by Section 8040 shall include space for the candidate to list the party preference disclosed upon the candidate's most recent affidavit of registration, in accordance with subdivision (a).

**SEC. 25.** Section 10704 of the Elections Code is amended to read:

**10704.** (a) Except as provided in subdivision (b), a special primary election shall be held in the district in which the vacancy occurred on the 9th Tuesday or, if the 9th Tuesday is the day of or the day following a state holiday, the 10th Tuesday preceding the day of the special general election at which the vacancy is to be filled. Candidates at the primary election shall be nominated in the manner set forth in Chapter 1 (commencing with Section 8000) of Part 1 of Division 8, except that nomination papers shall not be circulated more than 73 days before the primary election, shall be left with the county elections official for examination not less than 53 days before the primary election, and shall be filed with the Secretary of State not less than 53 days before the primary election.

(b) A special primary election shall be held in the district in which the vacancy occurred on the 10th Tuesday preceding the day of the special general election at which the vacancy is to be filled if both of the following conditions apply:

(1) The 10th Tuesday preceding the day of the special general election is an established election date pursuant to Section 1000.

(2) A statewide or local election occurring wholly or partially within the same territory in which the vacancy exists is scheduled for the 10th Tuesday preceding the day of the special general election.

(c) The sample ballot for a special election shall contain a written explanation of the election procedure for voter-nominated office as specified in subdivision (b) of Section 9083.5. Immediately after the explanation shall be printed the following: "If one candidate receives more than 50% of the votes cast at the special primary election, the candidate will be elected to fill the vacancy and no special general election will be held."

(d) On the ballot for a special election, immediately below the instructions to voters, there shall be a box not less than one-half inch high enclosed by a heavy-ruled line the same as the borderline. This box shall be as long as there are columns for the ballot and shall be set directly above these columns. Within the box shall be printed the words "Voter-Nominated Office." Immediately below that phrase within the same box shall be printed the following:

"All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated office. The party preference, if any, designated by a candidate is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate."

**SEC. 26.** Section 10734 of the Elections Code is amended to read:

**10734.** A special primary election shall not be held for a special general election conducted pursuant to this chapter. Candidates at the special general election shall be nominated in the manner set forth in Chapter 1 (commencing with Section 8000) of Part 1 of Division 8, except that nomination papers shall not be circulated more than 46 days before the special general election, shall be left with the county elections official for examination not less than 39 days before the special general election, and shall be filed with the Secretary of State not less than 35 days before the special general election.

**SEC. 27.** Section 13305 of the Elections Code is amended to read:

**13305.** (a) Notwithstanding Sections 13300 and 13303 a county elections official may elect not to mail a county voter information guide to a voter if both of the following are satisfied:

(1) The county elections official prepares and mails to each voter a document that includes all of the information required to be included in, and shall be accompanied by all the election materials required to accompany, the county voter information guide.

(2) The voter is furnished with an official ballot pursuant to Section 3005 or 3010.

(b) Notwithstanding subdivision (a) of Section 13303, for each voter to whom the elections official elects not to mail a county voter information guide pursuant to subdivision (a), the elections official may cause to be printed one less copy of the county voter information guide.

(c) If a county elections official elects not to mail a county voter information guide to a voter pursuant to this section, the elections official shall use any savings achieved to offset the costs associated with establishing a free access system for vote by mail ballots pursuant to Section 3019.5 before the savings may be used for any other purpose.

**SEC. 28.** Section 13502 of the Elections Code is amended to read:

**13502.** (a) With each nonpartisan vote by mail ballot that is sent to a voter who has declined to disclose a political party preference, the county elections official shall include a notice informing the voter that the voter may request a political party's ballot at the next ensuing partisan primary election if the political party has so authorized.

(b) Prior to each partisan primary election, county elections officials shall mail to every voter who has declined to disclose a political party preference a notice and application regarding voting in the primary election. The notice shall inform the voter that the voter may request a vote by mail ballot for a particular political party for the primary election, if that political party adopted a party rule, duly noticed to the Secretary of State, authorizing these voters to vote in their primary election. The notice shall also contain a toll-free telephone number, established by the Secretary of State, that the voter may call to access information regarding which political parties have adopted such a rule. The application shall contain a printed statement that reads substantially similar to the following: "I have declined to disclose a preference for a qualified political party. However, for this primary election only, I request a vote by mail ballot for the \_\_\_\_ Party." This application shall be submitted to the appropriate county elections official in person, or by mail, email, or facsimile transmission.

(c) In addition to any other method permitted by law, a voter who has declined to disclose a political party preference may request the ballot of a political party that has authorized a voter who has declined to disclose a political party preference to vote in its partisan primary election as follows:

(1) By telephone pursuant to all of the following procedures:

(A) To request a party's ballot by telephone, the voter shall provide to the elections official personal identifying information that matches the information contained on the voter's affidavit of registration, including first and last name, home address, and date of birth. The voter's signature shall not be required.

(B) A person shall not request a party's ballot pursuant to this section using the name of, or on behalf of, another person.

(C) Prior to being asked for personal identifying information, a voter requesting a party's ballot pursuant to this section shall be advised as follows: "Only the registered voter themselves may request a ballot from a political party. A request for a party's ballot that is made by any person other than the voter is a criminal offense."

(2) On an application over the internet if available.

(3) By a written statement application submitted in person, or by mail, email, or facsimile transmission.

(d) A voter who has declined to disclose a political party preference and who has received a nonpartisan vote by mail ballot may return their unvoted ballot to the county elections official and request and receive the ballot for a political party if the political party has authorized a voter who has declined to disclose a political party preference to vote in its partisan primary election.



(e) The Secretary of State shall prepare and distribute to county elections officials a uniform application format for a voter to request a political party's ballot at the next ensuing partisan primary election if the political party has so authorized.

**SEC. 29.** Section 15105 of the Elections Code is amended to read:

**15105.** Challenges to a vote by mail voter may be made for the same reasons as those made against a voter voting at a polling place. In addition, a challenge may be entered on the grounds that the ballot was not received within the time provided by this code or that a person is currently serving a state or federal prison term for the conviction of a felony. All challenges shall be made prior to the opening of the identification envelope of the challenged vote by mail voter.

**SEC. 30.** Section 15377 of the Elections Code is amended to read:

**15377.** (a) The elections official shall identify and provide to the Secretary of State within 31 days of the election the number of vote by mail ballots rejected, categorized according to the reason for the rejection. The Secretary of State shall provide uniform vote by mail ballot rejection reason codes for each category of rejection to be used by elections officials for reporting under this section.

(b) Upon receipt of the information described in subdivision (a), the Secretary of State shall publish a report containing the information for every election, including local special elections, on the Secretary of State's internet website.

**SEC. 31.** Section 17504 of the Elections Code is amended to read:

**17504.** (a) The following provisions apply to those elections where candidates for one or more of the following offices are voted upon: President of the United States, Vice President of the United States, United States Senator, and United States Representative.

(b) The elections official shall preserve all applications for vote by mail ballots for a period of 22 months from the date of the election.

(c) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

**SEC. 32.** Section 17505 of the Elections Code is amended to read:

**17505.** (a) The following provisions apply to all state or local elections not provided for in subdivision (a) of Section 17504. An election is not deemed a state or local election if votes for candidates for federal office may be cast on the same ballot as votes for candidates for state or local office.

(b) The elections official shall preserve all applications for vote by mail ballots for a period of six months from the date of the election.

(c) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

**SEC. 33.** Section 18107.5 of the Elections Code is repealed.

**SEC. 34.** Section 18402 of the Elections Code is repealed.

**SEC. 35.** Section 18403 of the Elections Code is amended to read:

**18403.** Any person other than an elections official or a member of the precinct board who receives a voted ballot from a voter or who examines or solicits the voter to show their voted ballot is punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years, or in a county jail not exceeding one year, or by both that fine and imprisonment. This section does not apply to persons returning a vote by mail ballot pursuant to Section 3017 or persons assisting a voter pursuant to Section 14282.

**SEC. 36.** Section 18576 of the Elections Code is repealed.

**SEC. 37.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**SEC. 38.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

To reduce confusion in the conduct of elections held in 2022 and to facilitate the effective administration of those elections, it is necessary for this act to take effect immediately.