AB-16 Vote by mail ballots: processing. (2025-2026)

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Assembly Bill No. 16

CHAPTER 140

An act to amend Sections 15101 and 15104 of the Elections Code, relating to elections.

[Approved by Governor October 01, 2025. Filed with Secretary of State October 01, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 16, Alanis. Vote by mail ballots: processing.

Existing law requires elections officials to begin mailing ballots to every registered voter no later than 29 days before an election. Existing law authorizes a jurisdiction to begin processing vote by mail ballot return envelopes and, if the jurisdiction has the necessary computer capability, vote by mail ballots 29 days before an election.

This bill would authorize elections officials to begin processing vote by mail ballot return envelopes and vote by mail ballots on the date on which the ballots are mailed, thereby allowing elections officials to begin processing vote by mail return envelopes and ballots earlier than 29 days before an election.

This bill would incorporate additional changes to Section 15104 of the Elections Code proposed by SB 3 to be operative only if this bill and SB 3 are enacted and this bill is enacted last.

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

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

SECTION 1. Section 15101 of the Elections Code is amended to read:

15101. (a) An elections official may begin to process vote by mail ballot return envelopes and vote by mail ballots on the date on which the ballots are mailed, which shall not be later than 29 days before the election.

(b) (1) Processing vote by mail ballot return envelopes may include verifying the voter's signature on the vote by mail ballot return envelope pursuant to Section 3019 and updating voter history records.

(2) Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, including processing write-in votes so that they can be tallied by the machine, but under no circumstances may a vote count be accessed or released until 8 p.m. on the day of the election.

(c) Results of any vote by mail ballot tabulation or count shall not be released before the close of the polls on the day of the election.

SEC. 2. Section 15104 of the Elections Code is amended to read:

15104. (a) The processing of vote by mail ballot return envelopes, and the processing and counting of vote by mail ballots, shall be open to the public, both prior to and after the election.

(b) A member of the county grand jury, and at least one member each of the Republican county central committee, the Democratic county central committee, and of any other party with a candidate on the ballot, and any other interested organization, shall be permitted to observe and challenge the manner in which the vote by mail ballots are handled, from the processing of vote by mail ballot return envelopes through the counting and disposition of the ballots.

(c) The elections official shall notify vote by mail voter observers and the public at least 48 hours in advance of the dates, times, and places where vote by mail ballots will be processed and counted.

(d) Notwithstanding paragraph (2) of subdivision (b) of Section 2194, vote by mail voter observers shall be allowed sufficiently close access to enable them to observe the vote by mail ballot return envelopes and the signatures thereon and challenge whether those individuals handling vote by mail ballots are following established procedures, including all of the following:

   (1) Verifying signatures on the vote by mail ballot return envelopes by comparing them to voter registration information.

   (2) Duplicating accurately damaged or defective ballots.

   (3) Securing vote by mail ballots to prevent tampering with them before they are counted.

(e) A vote by mail voter observer shall not interfere with the orderly processing of vote by mail ballot return envelopes or the processing and counting of vote by mail ballots, including the touching or handling of the ballots.

SEC. 2.5. Section 15104 of the Elections Code is amended to read:

15104. (a) The processing of vote by mail ballot return envelopes, and the processing and counting of vote by mail ballots, shall be open to the public, both prior to and after the election.

(b) A member of the county grand jury, and at least one member each of the Republican county central committee, the Democratic county central committee, and of any other party with a candidate on the ballot, and any other interested organization, shall be permitted to observe and challenge the manner in which the vote by mail ballots are handled, from the processing of vote by mail ballot return envelopes through the counting and disposition of the ballots.

(c) The elections official shall notify vote by mail voter observers and the public at least 48 hours in advance of the dates, times, and places where vote by mail ballots will be processed and counted.

(d) Notwithstanding paragraph (2) of subdivision (b) of Section 2194, vote by mail voter observers shall be allowed sufficiently close access to enable them to observe the vote by mail ballot return envelopes and the signatures thereon and challenge whether those individuals handling vote by mail ballots are following established procedures, including all of the following:

   (1) Verifying signatures on the vote by mail ballot return envelopes by comparing them to voter registration information.

   (2) Duplicating accurately damaged or defective ballots.

   (3) Securing vote by mail ballots to prevent tampering with them before they are counted.

   (4) Verifying signatures on statements completed pursuant to subdivisions (d) and (e) of Section 3019.

(e) A vote by mail voter observer shall not interfere with the orderly processing of vote by mail ballot return envelopes or the processing and counting of vote by mail ballots, including the touching or handling of the ballots.

SEC. 3. Section 2.5 of this bill incorporates amendments to Section 15104 of the Elections Code proposed by both this bill and Senate Bill 3. That section of this bill shall become operative only if (1) both bills are enacted and become effective on or before January 1, 2026, (2) each bill amends Section 15104 of the Elections Code, and (3) this bill is enacted after Senate Bill 3, in which case Section 2 of this bill shall not become operative.