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AB-331 Elections: duties of election officials: voter information guides. (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 331

Introduced by Assembly Member Pellerin

January 27, 2025

An act to amend Sections 15371, 15372, 15375, 15400, and 18568 of, and to add Sections 9094.6 and 13318 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 331, as amended, Pellerin. Elections: duties of election officials: voter information guides.

(1) Existing law requires an elections official, upon completion of the count, to add the results of write-in votes and any paper ballots used as certified by the precinct board, and thereupon declare the vote. Existing law requires the elections official to prepare a certified statement of the results of the election and submit it to the governing body within 30 days of the election, as specified. Existing law requires the elections official to send to the Secretary of State within 31 days of the election in an electronic format a complete copy of specified election results, including the vote given for persons for electors of President and Vice President of the United States, all candidates voted for statewide office, and all statewide measures.

This bill would specify that the duties described above imposed on ~~election~~ **elections** officials are ministerial and nondiscretionary.

~~This bill would require elections officials who fail to prepare a certified statement of the result of the election, as described above, to immediately deliver all records and other information pertaining to the election to the Secretary of State. The bill would require the Secretary of State to then make all necessary determinations and certify the results of the election as soon as practicable. The bill would specify that all costs associated with the Secretary of State completing the canvass and certification of the election must be borne by the county that failed to timely certify its election results.~~

Existing law, if the Secretary of State determines that state election laws are not being enforced, requires the Secretary of State to call the violation of those laws to the attention of the district attorney of the county or to the Attorney General.

This bill, if an elections official fails to prepare a certified statement of the results of the election, would require the Secretary of State to call the violation to the attention of the district attorney of the county or to the Attorney General and authorize the

Secretary of State to assist the county elections official in discharging their duties, consistent with those provisions.

(2) Existing law requires a governing body to declare elected or nominated the person having the highest number of votes for each office voted on at an election under its jurisdiction and to declare the results of each measure voted on at an election under its jurisdiction.

This bill would specify that these duties are ministerial and nondiscretionary.

(3) Existing law requires the Secretary of State to prepare a state voter information guide that includes, among other things, a complete copy of each state measure, the Voter Bill of Rights, and information on candidates for the office of United States Senator and the offices of President and Vice President, as specified. Existing law requires county elections officials to prepare a county voter information guide that contains, among other things, voluntary statements by a candidate for nonpartisan elective office.

This bill would require the Secretary of State and county elections officials to prepare voter information guides for county jail facilities in a format that will be accepted by jail facilities. The bill would require county jail officials to work in good faith with the Secretary of State and county ~~election~~ *elections* officials to ensure delivery of state and county voter information guides to their facilities for each primary and general election. By requiring county elections officials to prepare voter information guides for each jail in their jurisdiction, the bill would impose a state-mandated local program.

(4) Existing law makes it a crime to display a container for the purpose of collecting ballots, with the intent to deceive a voter into casting a ballot in an unofficial ballot box. Existing law also makes it a crime to direct or solicit a voter to place a ballot in such a container. Existing law makes these crimes punishable by a fine not to exceed \$1,000, by imprisonment for 16 months or two or three years, or by both fine and imprisonment.

This bill would also make it a crime to display an envelope for the purpose of collecting ballots, with the intent to deceive a voter into casting a ballot in an unofficial ballot box. The bill would make it a crime to direct or solicit a voter to place a ballot in such an envelope. By expanding the scope of these crimes, the bill would impose a state-mandated local program.

(5) 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 9094.6 is added to the Elections Code, to read:

9094.6. (a) The Secretary of State shall prepare a state voter information guide for each county jail in the state in a format that will be accepted by county jail facilities and shall make that guide available to registered voters with a mailing address in a county jail facility.

(b) The number of state voter information guides the Secretary of State makes available to registered voters inside each facility shall be equal to either of the following, as applicable:

(1) At least 30 percent of the number of registered voters inside the facility, if the guides will be in a location accessible by all registered voters.

(2) Equal to the number of registered voters inside the facility, if the guides will be delivered individually to each registered voter.

(c) County jail officials shall work in good faith with the Secretary of State to ensure delivery of state voter information guides to their facilities for each primary and general election.

SEC. 2. Section 13318 is added to the Elections Code, to read:

13318. (a) County elections officials shall prepare county voter information guides for each county jail within their jurisdiction in a format that will be accepted by the county jail facility and shall make that guide available to registered voters with a mailing address in a county jail facility.

(b) The number of county voter information guides the county elections officials make available to registered voters inside the facility shall be equal to either of the following, as applicable:

(1) At least 30 percent of the number of registered voters inside the facility, if the guides will be in a location accessible by all registered voters.

(2) Equal to the number of registered voters inside the facility, if the guides will be delivered individually to each registered voter.

(c) County jail officials shall work in good faith with county election officials to ensure delivery of state and county voter information guides to their facilities for each primary and general election.

SEC. 3. Section 15371 of the Elections Code is amended to read:

15371. (a) Upon completion of the count, the elections official shall add to the results as so determined, the results of the write-in votes and any paper ballots used as certified by the precinct board, and thereupon shall declare the vote, and forthwith post one copy at the counting place for public inspection.

(b) The duties imposed on election officials pursuant to subdivision (a) are ministerial and nondiscretionary.

SEC. 4. Section 15372 of the Elections Code is amended to read:

15372. (a) The elections official shall prepare a certified statement of the results of the election and submit it to the governing body within 30 days of the election or, in the case of school district, community college district, county board of education, or special district elections conducted on the first Tuesday after the first Monday in November of odd-numbered years, no later than the last Monday before the last Friday of that month.

(b) The elections official shall post the certified statement of the results of the election on the elections official's internet website in a downloadable spreadsheet format that may include, but is not limited to, a comma-separated values file or a tab-separated values file and that is compatible with a spreadsheet software application that is widely used at the time of the posting. The certified statement of the election results shall be posted and maintained on the elections official's internet website for at least 10 years following the election. This subdivision shall apply only to an elections official who uses a computer system that has the capability of producing the election results in a downloadable spreadsheet format without requiring modification of the computer system.

(c) The duties imposed on election officials pursuant to subdivisions (a) and (b) are ministerial and nondiscretionary.

(d) ~~(1) If the election elections official fails to prepare a certified statement of the results of the election as specified in subdivision (a), the election official shall immediately deliver all records and other information pertaining to the election, including all ballots and paper cast vote records, to the Secretary of State. the Secretary of State shall call the violation to the attention of the district attorney of the county or to the Attorney General and may assist the county elections official in discharging the officer's duties, consistent with subdivision (b) of Section 12172.5 of the Government Code.~~

~~(2) After receipt of the records and information described in paragraph (1), the Secretary of State shall make all necessary determinations and certify the results of the election as soon as practicable.~~

~~(3) The governing body and all other county staff necessary to complete the canvass and certification of the election shall be present and available at all times during the completion of the canvass and certification by the Secretary of State.~~

~~(4) All costs associated with the completion of the canvass and certification of the election by the Secretary of State shall be borne by the county that fails to timely certify its election results.~~

SEC. 5. Section 15375 of the Elections Code is amended to read:

15375. (a) The elections official shall send to the Secretary of State within 31 days of the election in an electronic format in the manner requested one complete copy of all results as to each of the following:

(1) All candidates voted for statewide office.

(2) All candidates voted for the following offices:

(A) Member of the [State](#) Assembly.

(B) Member of the [State](#) Senate.

(C) Member of the United States House of Representatives.

(D) Member of the State Board of Equalization.

(E) Justice of the Court of Appeal.

(F) Judge of the superior court.

(3) All persons voted for at the presidential primary. The results for all persons voted for at the presidential primary for delegates to national conventions shall be canvassed and shall be sent within 28 days after the election.

(4) The vote given for persons for electors of President and Vice President of the United States. The results for presidential electors shall be endorsed "Presidential Election Returns" and shall be canvassed and sent within 28 days after the election.

(5) All statewide measures.

(6) The total number of ballots cast.

(b) The duties imposed on election officials pursuant to subdivision (a) are ministerial and nondiscretionary.

SEC. 6. Section 15400 of the Elections Code is amended to read:

15400. (a) It is the ministerial and nondiscretionary duty of the governing body to declare elected or nominated to each office voted on at each election under its jurisdiction the person having the highest number of votes for that office, or who was elected or nominated under the exceptions noted in Section 15452.

(b) It is the ministerial and nondiscretionary duty of the governing board to declare the results of each election under its jurisdiction as to each measure voted on at the election.

SEC. 7. Section 18568 of the Elections Code is amended to read:

18568. Every person is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years, or by both that fine and imprisonment, who:

(a) Aids in changing or destroying any poll list or official ballot.

(b) Aids in wrongfully placing any ballots in the ballot container or in taking any therefrom.

(c) Adds or attempts to add any ballots to those legally polled at any election by fraudulently putting them into the ballot container, either before or after the ballots therein have been counted.

(d) Adds to or mixes with, or attempts to add to or mix with, the ballots polled, any other ballots, while they are being counted or canvassed or at any other time, with intent to change the result of the election, or allows another to do so, when in the person's power to prevent it.

(e) Carries away or destroys, attempts to carry away or destroy, or knowingly allows another to carry away or destroy, any poll list, ballot container, or ballots lawfully polled or who willfully detains, mutilates, or destroys any election returns.

(f) Removes any unvoted ballots from the polling place before the completion of the ballot count.

(g) Displays a container or provides an envelope for the purpose of collecting or returning ballots, with the intent to deceive a voter into casting a ballot in an unofficial ballot or returning a ballot in an unofficial ballot return envelope. Evidence of intent to deceive may include using the word "official" on the container or envelope, or otherwise fashioning the container or envelope in a way that is likely to deceive a voter into believing that the container or envelope is an official collection box or official ballot return envelope that has been approved by an elections official.

(h) Directs or solicits a voter to place a ballot in a container or envelope prohibited by subdivision (g).

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other 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.