

Date of Hearing: April 17, 2012

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 2054 (Fong) – As Amended: March 28, 2012

SUBJECT: Elections: vote by mail ballots.

SUMMARY: Allows a vote by mail (VBM) voter to return his or her ballot to any polling place within the state, instead of being limited to polling places within the jurisdiction of the elections official who issued the ballot. Specifically, this bill:

- 1) Permits a properly cast VBM ballot to be returned in person to any member of a precinct board at any polling place within the state, instead of being limited to polling places within the jurisdiction of the elections official who issued the ballot.
- 2) Provides that if a VBM ballot is returned to a precinct board of a polling place located in a county other than the county from which the ballot was issued, the elections official responsible for that polling place shall forward the ballot to the elections official who issued it.
- 3) Provides that VBM ballots that are forwarded pursuant to this bill to the jurisdiction of issuance that are not included in the semifinal official canvass phase of the election shall be processed and counted during the official canvass.

EXISTING LAW:

- 1) Requires all VBM ballots to be cast on or before the day of the election. Provides that after marking the ballot, the VBM voter must do either of the following:
  - a) Return the ballot by mail or in person to the elections official from whom it came; or,
  - b) Return the ballot in person to any member of a precinct board at any polling place within the jurisdiction of the elections official who issued the ballot.
- 2) Provides that every VBM ballot must be received by either the elections official from whom it came or a precinct board within the jurisdiction before the close of the polls on election day.
- 3) Requires an elections official to establish procedures to ensure the secrecy of any ballot returned to a precinct polling place and the security, confidentiality, and integrity of any personal information collected, stored, or otherwise used.
- 4) Requires VBM ballots that are returned to the elections office and to the polls on election day and that are not included in the semifinal official canvass to be processed and counted during the official canvass.

FISCAL EFFECT: Unknown. State-mandated local program; contains reimbursement direction.

COMMENTS:

1) Purpose of the Bill: According to the author:

Earlier this year, the Assembly Elections and Redistricting Committee and the Senate Elections and Constitutional Amendments Committee held a joint oversight hearing to discuss the United States Postal Service closures and the impact on voters and the upcoming presidential elections. During the hearing, five county elections officials testified to the impact that recent post office and processing facility closures were having on their jurisdictions as well as the anticipated challenges they saw ahead with more closures expected.

One of the major impacts affecting the counties is mail delivery time delays. Some counties experienced mail delivery time delays of up to 5-7 days as opposed to the usual 1-3 day mail delivery time.

The Postal Service has 15 more processing facilities proposed for closure in California. And while the Postal Service has agreed to a moratorium on closing or consolidating additional post offices or processing facilities until May 15th, there is no timeline in place for facility closures after the moratorium expires.

Existing law requires a voted vote by mail ballot to be received by either the elections official who issued the ballot or the precinct board within their county before the closing of the polls on election day.

The new circumstances surrounding the elections will present new challenges for voters, especially those who vote by mail, particularly in light of the increase in voting by mail.

Voters who mail their ballots within a reasonable timeframe could, through no fault of their own, find themselves disenfranchised due to the mail delivery time delays.

AB 2054 helps protect vote by mail voters by providing them with the option to drop off their voted ballot to any county elections official or polling place within the state by the close of the polls on election day.

2) Arguments in Support: Service Employees International Union of California (SEIU) writes in support:

This bill is a proactive step towards the continued enfranchisement of voters in light of postal office closures by granting flexibility to ensure that their votes are counted in any given election. Moreover, as California is ranked 41<sup>st</sup> in State voter turnout, SEIU believes that this bill will serve as a catalyst towards an increasingly effective system for voter participation in the future.

3) State Mandates: The 2011-2012 state budget included the suspension of various state mandates as a mechanism for cost savings. Included on the list of suspensions were all six

existing elections-related mandates. All the existing elections-related mandates have been proposed for suspension again by the Governor in his budget for the 2012-2013 fiscal year. The Committee may wish to consider whether it is desirable to create new election mandates when current elections-related mandates are suspended.

- 4) Previous Legislation: SB 199 (Correa) of 2011, which was substantially similar to this bill, was vetoed by Governor Brown. In his veto message, the Governor argued that "[a]llowing voters to return their vote-by-mail ballot at any polling location in the state will add complexity to the voting and election process without commensurate benefit. California has liberal registration and vote-by-mail law that are sufficient to allow the timely return of a vote-by-mail ballot." However, the Governor vetoed this bill before there was widespread attention and knowledge about the impacts of the USPS closures.

AB 773 (Blakeslee) of 2007 was identical to this bill. AB 773 was vetoed by Governor Schwarzenegger. In his veto message, the Governor argued that "[w]hile it may be convenient for a small number of voters to return their ballots in counties other than their county of residence, the extra costs to counties and inherent delays associated with this measure do not justify the provisions of this bill."

REGISTERED SUPPORT / OPPOSITION:

Support

Secretary of State Debra Bowen  
Service Employees International Union of California

Opposition

None on file.

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