

Date of Hearing: April 30, 2025

ASSEMBLY COMMITTEE ON ELECTIONS

Gail Pellerin, Chair

AB 930 (Ward) – As Amended April 21, 2025

**SUBJECT:** Elections and voting procedures.

**SUMMARY:** Makes various changes to state law governing voter-requested recounts of election results. Standardizes laws related to the receipt of vote by mail (VBM) ballots.

Specifically, **this bill:**

- 1) Clarifies that a voter who requests a recount may specify in the request the order in which batches of ballots will be recounted. Provides that in the case of a recount that includes more than one county, the voter requesting the recount may specify the order that the counties will conduct the recount within the jurisdiction.
- 2) Permits a designee of the voter who requested a recount to make the required payment to cover the costs of the recount.
- 3) Repeals requirements that the members of a recount board must be voters, and must receive the same compensation that the jurisdiction pays for precinct board members other than inspectors. Provides for members of a recount board to be individuals appointed by and at the discretion of the elections official. Requires the voter requesting the recount to reimburse the county for the cost of each recount board member.
- 4) Requires a local governing body that appoints a person to oversee a recount in lieu of the elections official, in a situation where the office of the elections official is the subject of the recount, that the governing body appoint a person who possesses demonstrable experience necessary to conduct the recount, including experience as an elections official in the state, experience with current voting systems, and knowledge of the voting system's key functions. Specifies that the office of the elections official that is subject to the recount is not prohibited from taking necessary steps to prepare for the recount during the period in which an alternative qualified officer is sought.
- 5) Extends, from seven days to seven business days, the latest point after a recount request is received by the elections official before that recount must begin. Provides that if the office of the elections official is the subject of the recount, the recount must begin within seven business days following the appointment of an alternative qualified officer to oversee the recount.
- 6) Permits a voter-requested recount that is to be conducted manually to be conducted by the use of paper ballots or by the use of official ballot images, if the voting system has the capability to display ballot images.
- 7) Permits elections officials to notify affected individuals about the date and place of a recount via email.

- 8) Repeals provisions of law that allow any relevant material to be examined as part of a recount if the voter filing the declaration requesting the recount so requests, and instead allows for any relevant *public documents* to be examined, provided that the request is made in writing and that it specifies the relevant public documents before the commencement of the recount. Prohibits a person during a recount from accessing any part of the voting system in use by the elections office without authorization. Prohibits a person as part of a recount from photographing or distributing a digital image of any material with personal identifying information of a voter.
- 9) Repeals a requirement that a copy of the results of any voter requested recount be posted conspicuously in the office of the elections official, and instead requires the elections official to post those results either in the elections official's office or on the official's website for a period of 30 days following the final day of the recount. Requires the elections official to notify specified interested persons of the recount results.
- 10) Aligns the deadline for the receipt of VBM ballots and the rules for determining when a VBM ballot was mailed by the voter in mailed ballot elections conducted pursuant to specified provisions of law with the laws that otherwise generally apply to the receipt of VBM ballots in elections held in the state.
- 11) Makes clarifying and conforming changes.

**EXISTING LAW:**

- 1) Permits a voter to request a recount of the votes cast for candidates for any office, for slates of presidential electors, or for or against any measure, as specified. Requires the request for the recount to be filed within five days following the completion of the official canvass or, in the case of a recount of the votes cast for an election held in more than one county (including statewide elections), within five days beginning on the 31st day after the election. (Elections Code §§15620, 15621)
- 2) Permits a voter's request for a recount to specify the order in which the precincts will be recounted. (Elections Code §15622)
- 3) Requires the voter requesting a recount, or the campaign committee represented by the voter filing the recount request, to deposit a sum as required by the elections official to cover the cost of the recount before the recount is commenced and at the beginning of each day following. Provides that the money will be refunded to the depositor if the recount changes the outcome of the election, as specified. (Elections Code §15624)
- 4) Requires a voter-requested recount to be conducted under the supervision of the elections official by special recount boards consisting of four voters of the county appointed by the elections official. Requires each recount board member to receive the same compensation as the jurisdiction pays to members of precinct boards, other than inspectors, as specified. Requires the governing body to appoint an officer other than the elections official to appoint and supervise the recount boards in any case where the office of the elections official is the subject of the recount. (Elections Code §15625)

- 5) Requires a voter-requested recount to begin not more than seven days following the elections official's receipt of the recount request. Prohibits the recount from beginning until a day after specified individuals are notified. (Elections Code §15626)
- 6) Permits the voter requesting a recount to decide whether the recount shall be conducted manually, or by means of the voting system used originally, as specified, provided that only one method of recount may be used for all ballots cast or tabulated by the same type of voting system. (Elections Code §15627)
- 7) Requires an elections official to notify all of the following persons about the date and place of a voter-requested recount at least one day before the beginning of the recount either in-person or by federally regulated overnight mail service:
  - a) All candidates for any office the votes for which are to be recounted.
  - b) Authorized representatives of presidential candidates to whom electors are pledged if the votes to be recounted were cast for presidential electors.
  - c) Proponents of any initiative or referendum or persons filing ballot arguments for or against any initiative, referendum, or measure placed on the ballot by the governing body the votes for which are to be recounted.
  - d) The Secretary of State (SOS) in the case of a recount of the votes cast for candidates for any state office, presidential electors, the House of Representatives of the United States (US), the Senate of the US, or delegates to a national convention or on any state measure. (Elections Code §15628)
- 8) Permits all relevant material to be examined as part of any recount if the voter filing the declaration requesting the recount so requests. (Elections Code §15630)
- 9) Provides that the results of a recount shall be the official election results for a contest, but only if all the votes cast in the contest are recounted, as specified. (Elections Code §15632)
- 10) Requires a copy of the results of any voter-requested recount to be posted conspicuously in the office of the elections official. (Elections Code §15633)
- 11) Provides generally that a VBM ballot is timely cast if it is received by the elections official via the United States Postal Service (USPS) or a bona fide private mail delivery company no later than seven days after election day if the ballot was mailed by election day, as specified. (Elections Code §3020) Provides, in the case of a mail ballot election conducted in accordance with specified provisions of existing law, that a VBM ballot is timely cast if it is received by the elections official via the USPS or a bona fide private mail delivery company no later than *three* days after election day if the ballot was mailed by election day, as specified. (Elections Code §4103)

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

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

AB 930 is about ensuring every Californian's vote is counted and that the democratic process remains fair and transparent. By modernizing our elections procedures—like extending the deadline for mail-in ballots and clarifying recount processes—we close gaps that can leave voters disenfranchised or confused. These updates are crucial for strengthening voter trust and improving access to the ballot box across our diverse communities.

**2) Voter-Requested Recounts:** Unlike some other states, California law does not provide for an “automatic” recount in any election contest. Instead, state law allows any voter to request a recount of an election contest once the official canvass of results from the election is complete. Voter-initiated recounts are fairly rare in California, in part because a voter who requests a recount must pay for the recount in advance, and the voter's money is refunded only if the recount changes the outcome of the election in favor of the candidate or position of a ballot measure on which behalf the recount was conducted. A voter-requested recount cannot change the outcome of an election unless every vote cast in the contest is part of the recount. State law also allows the elections official, a superior court, or the Governor to order a recount in specified circumstances.

This bill proposes various changes to state laws governing voter-requested recounts. Many of those changes are relatively minor or clarifying, codify certain aspects of recount regulations adopted by the SOS, or modernize the law to more closely reflect current election technology and procedures. Other proposed changes, however, are somewhat more substantive, as detailed below.

**a) Order of Recounting:** Existing law allows the voter who requests the recount to specify the order in which precincts should be recounted. This policy allows a voter to begin a recount in those areas of the jurisdiction that are most favorable to the voter's preferred candidate or ballot measure position, which can then allow the voter to determine whether it makes sense to continue the recount in additional precincts at the voter's expense. In many circumstances, voters who have requested recounts have ended those recounts relatively quickly after the first few precincts when it becomes apparent that a full recount will not change the outcome of the election.

Due to changes in voting technology and in the way that elections are conducted, however, ballots are not necessarily tabulated by precinct (even though election *results* continue to be reported by precinct). Instead, ballots are tabulated in *batches*, which generally contain ballots from multiple precincts. Recount regulations adopted by the SOS generally recognize this fact, and allow the voter who requests a recount to prioritize certain *batches* of ballots as part of the recount. The Elections Code, however, does not expressly permit a voter who is requesting a recount to specify the order in which batches of ballots should be recounted. This bill makes clear that a voter who is requesting a recount can do so.

- b) **Manual Recounts with Ballot Images and Suggested Amendments:** Existing law allows the voter who is requesting the recount to decide whether the recount is conducted by re-running the ballots through the voting system that originally tabulated the ballots, or by manually tallying the ballots. Recounts that involve re-running the ballots through the voting system generally are considerably less expensive than manual recounts.

Some voting systems capture images of ballots as they are counted by the system, much like an image captured by a scanner. It is not entirely clear under existing law, however, whether a voter can request a recount that involves a human review and tabulation of those ballot images, rather than re-running the ballots through the voting system or doing a recount via a manual tally of the actual paper ballots cast in the election. In many circumstances, a manual tally of the ballot images is likely to be less resource- and labor-intensive (and thus, less costly) than a manual tally of the actual paper ballots, though more resource-intensive than re-running the ballots through the voting system. It is also possible, however, that a tally of the ballot images could be less definitive than a manual tally of the paper ballots themselves if the ballot images captured by the voting system are not very high quality representations of the paper ballots.

This bill would provide that a recount that is to be conducted manually may be conducted by the use of paper ballots or by the use of official ballot images, if the voting system has the capability to display ballot images. The bill does not, however, specify who would make the determination about whether the recount would be conducted using paper ballots or ballot images. In light of the fact that the voter requesting the recount must pay for the costs of the recount, allowing the voter to choose whether the recount is conducted with ballot images or with paper ballots seems reasonable. However, committee staff recommends that this bill be amended to specify that in the case of voting systems that have the capability of displaying voting images, the voter requesting the recount will determine whether a manual recount is conducted using paper ballots or ballot images. Additionally, committee staff recommends that this bill be amended to specify that if more than one voter requests a manual recount of the same office or measure, and at least one request is for a manual recount using the paper ballots, the elections official shall conduct only a manual recount of the paper ballots, the result of which shall be controlling.

- c) **Materials Available and Suggested Amendments:** While existing law permits *all relevant material* to be examined as part of any recount if the voter requesting the recount makes a request to review the materials, this bill instead would specify that relevant *public records* could be examined as part of the recount instead of all relevant materials. The effect of this change is unclear. Ballots themselves generally are not considered to be public records, and denying access to ballots as part of a recount would seem to defeat the purpose of the recount.

It appears that this change may have been motivated by a desire to provide greater specificity regarding the types of materials that can be viewed as part of a recount. Last year, however, the SOS adopted new regulations that updated the definition of the term “relevant material” for the purpose of the state’s recount laws. Those regulations defined “relevant material” to include, but not be limited to, “unvoted ballots, vote-by-mail and

provisional ballot envelopes, language translation files, pre- and post-election logic and accuracy testing plans and results, polling place event logs, precinct tally results, central count tally results and consolidated results in a structured, non-proprietary format, chain of custody logs, [and] duplication logs. Given that SOS regulations already describe the types of materials that are available to be examined as part of a recount, and in light of the fact that the change from “relevant material” to “relevant public records” as proposed by this bill could be read to restrict access to materials (like ballots) that are important to review as part of a recount, committee staff recommends that this bill be amended to provide that relevant materials, as provided for in regulations adopted by the SOS, may be examined as part of a recount.

- d) **Composition and Compensation of Recount Boards:** While existing law requires that recount boards (i.e., the group of individuals who are responsible for counting ballots as part of a recount) be made up of *voters* (i.e., individuals who are registered to vote in California), this bill would give elections officials the discretion to appoint *any individual* to a recount board. This change appears to be consistent with other recent changes to the state’s elections laws that allowed non-voters (including individuals who are legal permanent residents and students who are not yet old enough to register to vote) to serve as elections workers at polling places and vote centers.

This bill additionally repeals an existing law that provides that the compensation of recount boards must be the same as the compensation that the jurisdiction pays their poll workers. Elections officials report that it can be challenging to find individuals who are willing to work on recount boards for the same compensation that is paid for poll workers. Furthermore, for operational reasons, elections officials may prefer to have permanent election staff involved in the conduct of recounts, and limiting the compensation of recount boards to the amount of compensation that is provided to poll workers in the same jurisdiction may prevent elections officials from being able to use permanent staff for that purpose. In light of those facts, it seems reasonable to allow elections officials to pay recount boards a different level of compensation than poll workers. Such a change, however, is likely to increase the costs of voter-requested recounts.

- 3) **VBM Ballot Receipt Deadline:** Prior to 2015, VBM ballots cast in California had to be received by the elections official by the close of the polls on election day in order for those ballots to be counted. Due in part to concerns that delays in mail delivery would increase the number of VBM ballots that were received in the mail by elections officials *after* election day, thereby requiring voters’ otherwise legally-cast ballots to be rejected, SB 29 (Correa), Chapter 618, Statutes of 2014, allowed VBM ballots to be counted if they were cast by election day and received by mail no later than three days after the election. AB 37 (Berman), Chapter 312, Statutes of 2021, subsequently extended the deadline for county elections officials to receive VBM ballots in the mail to the 7th day after the election, due in part to concerns that changes in delivery standards by the USPS could slow the delivery of voters’ completed VBM ballots.

For the purposes of SB 29, a ballot was deemed to have been cast by election day as long as it was postmarked by election day. However, in response to information provided by the

California Association of Clerks and Election Officials that a significant portion of ballots that are received by mail do not have a legible postmark (especially for ballots received from military and overseas voters), SB 29 also allowed a VBM ballot to be counted if the return envelope had no postmark, a postmark with no date, or an illegible postmark, if the ballot was (1) received by the elections official no later than three days after the election, (2) received from the USPS or a bona fide private mail delivery company, (3) date stamped by the elections official upon receipt from the USPS or bona fide private mail delivery company, and (4) the VBM ballot envelope was signed and dated by the voter on or before election day.

After the Legislature enacted SB 29, additional tools became more widely available that allow a person to determine when an envelope was mailed. In particular, Intelligent Mail Barcodes and processing marks that are printed on items that are mailed through the USPS can be used to determine when an envelope was mailed. AB 1619 (Cervantes), Chapter 102, Statutes of 2022, required elections officials to use this type of processing data to determine whether a ballot was mailed by election day when a VBM ballot return envelope did not contain a postmark.

The Elections Code includes two different code sections that outline rules for the receipt of VBM ballots: one section which applies generally, and a second section that applies only to certain types of mailed ballot elections. While SB 29 made changes to both of those code sections, AB 37 and AB 1619 amended the generally-applicable code section only, and did not amend the provision that applies only to certain mailed ballot elections. Those omissions appear to be inadvertent.

This bill aligns the rules governing the receipt of VBM ballots in certain mailed ballot elections with the generally applicable rules governing the receipt of VBM ballots, thereby making the provisions of AB 37 and AB 1619 applicable to all types of elections.

- 4) **Arguments in Support:** The sponsor of this bill, the California Association of Clerks and Election Officials, writes in support:

The California Association of Clerks and Election Officials (CACEO) Elections Legislative Committee is pleased to sponsor and support Assembly Bill 930 (Ward), which extends the timely ballot receipt deadline for all-mailed ballot elections and clarifies election recount requirements...

AB 930 would provide a voter the option of requesting a recount be conducted in a specified order of the batches in which the ballots were scanned rather than by precinct. The bill would also allow a manual recount to be conducted using the ballot images rather than the paper ballots.

The bill would clarify that existing law prohibiting unauthorized access to the voting system and copying and distributing a voter's personal identifying information also applies during a recount. Additionally, AB 930 would require the voter requesting the recount to specify in writing before the recount is commenced all relevant material they wish to review during the recount.

To ensure recount boards can be appropriately staffed and to bring the provisions related to the makeup of the recount boards in alignment with the existing requirement that all actual costs of the recount are recoverable from the voter requesting the recount, the bill also would remove a requirement that a member of a recount board be paid the same amount as precinct board members who worked in a polling place or vote center.

- 5) **Related Legislation:** SB 406 (Choi), would prohibit a VBM ballot from being counted if it was received by the elections official after the close of polls on election day, even if the ballot was mailed before election day, unless the ballot was from a military or overseas voter. SB 406 was heard in the Senate Elections & Constitutional Amendments Committee on April 1, 2025, and was held in the committee without recommendation.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

California Association of Clerks and Election Officials (Sponsor)

CFT- a Union of Educators & Classified Professionals, AFT, AFL-CIO (prior version)

##### **Opposition**

None on file.

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