

Date of Hearing: March 25, 2026

ASSEMBLY COMMITTEE ON ELECTIONS

Gail Pellerin, Chair

AB 1993 (DeMaio) – As Introduced February 17, 2026

SUBJECT: Voting by mail: identification envelopes.

SUMMARY: Requires, beginning in 2028, that any hole or other opening in a vote by mail (VBM) ballot identification envelope must be located so that the voter's ballot selections cannot be seen through the opening. Requires the Secretary of State (SOS) to adopt regulations implementing this requirement. Specifically, **this bill**:

- 1) Requires any perforation, hole, window, or other opening in a VBM ballot identification envelope to be located not less than one-half inch from a fillable field on the ballot, as measured when the ballot is fully inserted into the envelope according to instructions provided to the voter.
- 2) Provides for the purposes of this bill that the term “fillable field” means any voting target or other area of the ballot intended for a voter to mark a vote, write in a candidate, or indicate any other voting preference.
- 3) Requires the SOS to adopt regulations to implement this bill, including regulations governing standards for VBM ballot identification envelopes and ballot alignment, testing procedures, and requirements for certifying compliance with these provisions.
- 4) Provides that the provisions of this bill apply to any election conducted on or after January 1, 2028.

EXISTING LAW:

- 1) Provides that voting shall be secret. (California Constitution Article II, §7)
- 2) Requires a VBM ballot identification envelope to contain all of the following:
 - a) 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.
 - b) The signature of the voter.
 - c) The residence address of the voter as shown on the affidavit of registration.
 - d) The date of signing.
 - e) A notice that the envelope contains an official ballot and is to be opened only by the canvassing board.
 - f) A warning plainly stamped or printed on it that voting twice constitutes a crime.

- g) 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.
 - h) A statement that the voter has neither voted nor intends to vote a ballot from any other jurisdiction for the same election.
 - i) The name and signature of the person authorized by the voter to return the VBM ballot.
 - j) A statement next to where the voter signs that the county elections official is required to compare the voter's signature appearing on the identification envelope with the signatures appearing in the voter's registration record, which may include the signature appearing on the voter's driver's license or state identification card. (Elections Code §3011)
- 3) Requires an elections official to mail a ballot to every active registered voter for every election in which the voter is eligible to participate. Requires the elections official to begin mailing VBM ballots not later than 29 days before the election, as specified. (Elections Code §§3000.5, 3001, 3010)
 - 4) Requires the processing of VBM ballot return envelopes, and the processing and counting of VBM ballots, to be open to the public. Requires that observers be allowed sufficiently close access to observe and challenge whether the individuals handling VBM ballots are following established procedures, as specified. (Elections Code §15104)
 - 5) Establishes criminal penalties for fraudulent activity and other misconduct related to the VBM ballot identification envelopes. (Elections Code §§18400-18582)

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

COMMENTS:

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

Election integrity and trust in elections are essential in a functioning democracy and voters deserve absolute rights of privacy in their voting decision. In a recent election, holes in ballot envelopes deprived voters of their privacy rights by revealing their vote to anyone handling the envelope. It is imperative that we require that local election officials design ballot materials to protect the privacy rights of voters.

- 2) **VBM Ballot Use in California and Previous Legislation:** In 2001, AB 1520 (Shelley), Chapter 922, Statutes of 2001, among other provisions, authorized any voter to become a permanent VBM voter. Since that time, California voters have increasingly used VBM ballots to vote in elections. At the 2000 statewide general election (the last statewide election held before AB 1520 was enacted), 24.5% of Californians who voted in that election did so

using a VBM ballot. By contrast, since 2012, a majority of ballots cast in every California statewide election were VBM ballots.

Subsequent changes to California's election laws have further contributed to an increasing use of VBM ballots in elections. SB 450 (Allen), Chapter 832, Statutes of 2016, also known as the Voter's Choice Act (VCA), permits counties to opt-in to conducting elections in which every voter receives a VBM ballot and vote centers and ballot drop-off locations are available prior to and on election day, in lieu of operating polling places for the elections, subject to certain conditions.

More recently, California has taken steps to ensure that every voter—including voters who reside in counties that are not participating in the VCA—receives a ballot in the mail for each election in which the voter is eligible to participate. That policy was first enacted as an accommodation to facilitate voting in 2020 due to concerns that conducting in-person voting during the spread of COVID-19 could threaten the health and safety of voters, election workers, and the public generally. Notably, AB 860 (Berman), Chapter 4, Statutes of 2020, required county elections officials to mail a ballot to every active registered voter for the November 3, 2020, statewide general election, among other provisions. SB 29 (Umberg), Chapter 3, Statutes of 2021, continued that policy for all elections conducted in 2021. AB 37 (Berman), Chapter 312, Statutes of 2021, made that policy permanent for all future elections, and made other changes to VBM processes, procedures, and requirements, including requiring that counties provide VBM ballot drop-off locations for all elections that they conduct.

During the 2024 March primary statewide election, over 88% of voters voted using a VBM ballot, and over 80% of voters voted using a VBM ballot for the November statewide general election. During the 2025 November statewide special election, almost 89% of voters voted using a VBM ballot.

- 3) **Vote by Mail Ballot Identification Envelopes Design:** While the Elections Code does not specifically require a VBM ballot return envelope to include a punch hole or other opening, including this design element is considered a best practice. The Center for Civic Design, a 501(c)(3) non-profit educational research organization, works directly with elections offices and nonprofit organizations on challenging design problems at every stage of the elections process. Following the enactment of SB 450 and in an effort to help prepare counties to transition to the VCA, the Center for Civic Design worked with the SOS's office, county election offices, and national experts to design templates for the VBM ballot packages, including the envelopes sent out by the local election offices, the ballot return packages, and the instructions for voters.

According to the Center for Civic Design's 2017 Vote-by-Mail Envelope Design for California report, one of the goals of the project was to design a VBM package that new voters, voters with low literacy, or voters with low civic literacy can use accurately, to reduce the number of ballots that cannot be counted or require corrections. The design guidance indicated that one of the most important design aspects on the VBM ballot return envelope is the area for the voter's signature and provides the following design elements for the voter's

signature block to make the envelopes easier to use:

- The area for the voter's signature is enclosed in a rectangle, with a large X inside. This makes it visually distinct and encourages voters to sign within the space provided. This also helps with signature verification for both manual and automated systems. No other signature on the envelope should have this mark or be enclosed in a box.
 - The title for this area is an instruction, "Voter: sign here in ink," placed just above the signature box, with "Power of attorney not acceptable" in small type on the same line or just below it.
 - Punched holes around the signature area can serve as guides to help blind or low literacy voters sign accurately. The two holes help blind voters to tactilely identify the location of the signature space and the correct orientation of the envelope. One goes all the way through the envelope, one only through the front or back.
- 4) **Implementation:** While existing law requires a VBM ballot identification envelope to contain certain aspects, it does not specify where on the envelope those elements are required to be placed. As mentioned above, election material design experts recommend best practices and provide guidance to assist county elections officials in designing their VBM ballot envelopes. In practice, some of the counties design their own ballots and envelopes in-house, while others hire an election vendor. Additionally, each print vendor has its own different parameters for the exact dimensions of an envelope that it can print.

This bill imposes specific VBM ballot return envelope design requirements, and requires any opening on an VBM ballot return envelope to be located not less than one-half inch from a fillable field on the ballot, as measured when the ballot is fully inserted into the envelope. County elections officials indicated that they usually order their VBM ballot envelopes in advance due to printing timelines and do not have their ballot layouts finalized at that time. Because the VBM ballot return envelopes and the ballots themselves are designed and printed at different times, it is unclear whether a county elections official will be able to comply with the requirements of this bill.

Additionally, this bill requires the SOS to adopt regulations for its implementation, including standards governing VBM ballot identification envelopes and ballot alignment, testing procedures, and requirements for certifying compliance with the bill's design requirements. The SOS, however, does not currently review or approve the design or use of VBM ballot envelopes. As a result, this bill would impose a new responsibility to the SOS.

- 5) **November 2025 Statewide Special Election:** Last year, during the November 4, 2025, statewide special election, there were online posts concerning VBM ballot return envelopes. The posts claimed that when the ballot was folded and placed in the VBM return envelope, the voter's ballot selection could be seen through the hole punches in the envelope. To address those concerns, many county elections officials posted information on their websites and on social media to assist the voting process.

Last October the Sacramento County Department of Voter Registration and Elections posted information on their website to help address voter concerns. They indicated that the punched holes in their ballot envelopes, introduced in 2008, are a best practice that serve as a tactile guide for visually impaired voters to locate the signature area and allow Voter Registration and Elections staff to verify that all ballot cards have been removed from returned envelopes. Additionally, they advised that there are at least eight ways to insert a ballot card into the return envelope, and only two of these might result in a bubble being visible through the hole. The post also provided instructions for how voters could fold their ballots so that none of the voting targets were visible through the holes in the VBM ballot return envelope.

- 6) **2021 Statewide Recall Election:** According to media articles, similar concerns regarding hole punches in VBM ballot return envelopes were reported during the September 14, 2021, statewide recall election. Articles indicated that VBM return envelopes with holes have been used in several election cycles and serve two purposes: to help the vision impaired to sign the ballot envelope in private and to serve as a visual double check for election officials so that they know the ballot has been extracted and not left inside an envelope uncounted. Additionally, the media article stated that the two-hole envelopes have been used for more than a decade without any issues in Oregon, an all VBM state.
- 7) **Colorado:** In January 2024, due to concerns that a voter's ballot selection could be seen through the hole punches in a VBM ballot return envelope, the Colorado SOS adopted temporary amendments to election rules that barred a county elections officials from using a ballot return envelope with a hole punch or another opening in which the target area that a voter marks could be seen through the hole punch. Additionally, the temporary rule specified that counties that intend to use ballot return envelopes with hole punches must provide written certification to the SOS that the holes have been manually inspected and tested by the county clerk's office, and that no target areas are visible through the hole punches in the envelope regardless of how the ballot is folded within the envelope.

Last year, Colorado permanently adopted state regulations to address this concern. The regulations prohibit a county clerk from using a ballot return envelope with a hole or opening of any size where the target area for any contest on a ballot can be seen in any way. The regulations require a county that intends to use ballot return envelopes with an opening, to provide written certification to the SOS that: (1) The diameter of any hole punch is smaller than the size of any target area bubble on the ballot that is to be enclosed within the envelope; (2) The location of any hole punches or other openings are situated on the ballot envelope in locations to assist the visually impaired in locating where on the envelope they should sign the envelope; and (3) The envelopes have been manually inspected and tested by the county clerk to ensure that no target areas are visible through the hole punches or other openings in the envelope considering all the ways a ballot could be reasonably folded and inserted into the envelope.

- 8) **Remote Accessible Vote by Mail (RAVBM) Voting:** Current law requires a county elections official to allow any voter to cast a ballot using a certified RAVBM system, regardless of whether the voter is a voter with disabilities or a military or overseas voter. Generally, RAVBM systems that are approved for use in California use electronic delivery to provide a voter with a ballot that the voter can mark using their own computer, including any

assistive device that the voter uses with that computer. After marking the ballot, the voter must print and return the ballot by mail (existing law also permits military and overseas voters to return their ballot by facsimile transmission under certain circumstances); RAVBM systems that are approved for use in California are not permitted to transmit completed ballots electronically to the elections official.

All RAVBM systems that are currently approved for use in California elections are subject to certain terms and conditions. For example, earlier this month, the SOS conditionally approved the Los Angeles County Interactive Sample Ballot 4.0 RAVBM system subject to certain terms and conditions. One of these conditions requires that Los Angeles County allow voters using the RAVBM system to return the ballot they printed in an envelope of the voter's choosing or in an accessible "two-hole punched signature guide" envelope supplied by the jurisdiction, however the voter must sign the sealed envelope as required by law.

According to SOS's website, all RAVBM systems approved for use in California elections are required to allow a voter to return their ballot in an envelope of their choosing or in an accessible "two-hole punched signature guide" envelope provided by their county elections official.

- 9) **Arguments in Opposition:** In opposition to this bill, Disability Rights California (DRC), writes:

While DRC understands the goal of protecting ballot secrecy, we are concerned that AB 1993's rigid and prescriptive requirements would have the unintended consequence of reducing the use of envelope holes that are important for voters with disabilities. Counties already face significant operational and logistical challenges in designing ballots and envelopes, which are often developed on different timelines and must be adjusted every election to reflect changes in ballot length, layout, language requirements, and contest configuration. This bill does not account for the dynamic and highly variable nature of election administration. In practice, it may not be feasible for counties to guarantee that no voting selection information could ever align with an envelope opening. Faced with this uncertainty and the risk of noncompliance, counties may choose the path of least resistance: eliminating envelope holes altogether. This outcome would directly harm voters with disabilities.

Envelope holes by the signature line are a well-established accessibility best practice. They help voters with disabilities locate the signature line on envelopes. AB 1993, as drafted, threatens to undermine this important accessibility feature by making its continued use too risky or burdensome for local elections officials.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

California Association of Clerks and Election Officials
Disability Rights California

Analysis Prepared by: Nichole Becker / ELECTIONS / (916) 319-2094