

Introduced by Senator CorreaFebruary 15, 2011

An act to amend Sections 3020 and 4103 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 348, as introduced, Correa. Elections: vote by mail ballots.

Existing law makes the vote by mail ballot available to any registered voter. Existing law requires that those vote by mail ballots be received by the elections officials from whom they were obtained or by the precinct boards before the polls close on election day in order to be counted.

Existing law authorizes certain local, special, or consolidated elections to be conducted wholly by mail, so long as specified conditions are satisfied. Existing law requires ballots cast in these vote by mail elections to be returned to the elections official from whom they were obtained no later than 8 p.m. on election day.

This bill would, notwithstanding the above provisions, provide that any vote by mail ballot is timely cast if it is postmarked on or before election day and received by the voter's elections official no later than 6 days after election day.

Because the bill would expand the duties of local elections officials, it would impose a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3020 of the Elections Code is amended
2 to read:

3 3020. (a) All vote by mail ballots cast under this division shall
4 be received by the elections official from whom they were obtained
5 or by the precinct board no later than the close of the polls on
6 election day.

7 (b) *Notwithstanding subdivision (a), any vote by mail ballot*
8 *cast under this division shall be timely cast if it is postmarked on*
9 *or before election day and received by the voter’s elections official*
10 *no later than six days after election day.*

11 SEC. 2. Section 4103 of the Elections Code is amended to read:

12 4103. (a) Notwithstanding Section 3020, ballots cast under
13 this chapter shall be returned to the elections official from whom
14 they were obtained no later than 8 p.m. on election day.

15 (b) *Notwithstanding subdivision (a), any vote by mail ballot*
16 *cast under this chapter shall be timely cast if it is postmarked on*
17 *or before election day and received by the voter’s elections official*
18 *no later than six days after election day.*

19 SEC. 3. If the Commission on State Mandates determines that
20 this act contains costs mandated by the state, reimbursement to
21 local agencies and school districts for those costs shall be made
22 pursuant to Part 7 (commencing with Section 17500) of Division
23 4 of Title 2 of the Government Code.

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