
THIRD READING

Bill No: AB 1072
Author: Pellerin (D)
Introduced: 2/20/25
Vote: 21

SENATE ELECTIONS & C.A. COMMITTEE: 5-0, 7/1/25

AYES: Cervantes, Choi, Allen, Limón, Umberg

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25

AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 76-0, 5/1/25 (Consent) - See last page for vote

SUBJECT: Elections: ballot mistakes

SOURCE: Author

DIGEST: This bill requires the Secretary of State (SOS) to develop uniform standards and guidelines for a voter to correct mistakes when voting.

ANALYSIS:

Existing law:

- 1) Requires an elections official to provide a replacement ballot to any voter upon receipt of a request from the voter. The voter making the request needs to provide to the elections official personal identifying information that matches the information contained on the voter's affidavit of registration and requires an elections official, prior to issuing a replacement ballot, to advise the requester as follows: "Only the registered voter themselves may request a replacement ballot. A request for a replacement ballot that is made by any person other than the registered voter is a criminal offense."
- 2) Requires an elections official to provide a replacement ballot to the voter's representative upon receipt of a written request on a form prescribed by the

SOS and signed by the voter under penalty of perjury. A ballot is prohibited from being provided until both of the following occur: the elections official compares the signature on the written request with the signature(s) in the voter's record and the authorized representative signs an acknowledgment of receipt of the voter's ballot.

- 3) Requires an elections official to keep a record of each vote by mail (VBM) ballot sent to and received from a voter and to verify, prior to counting any duplicate ballot, that the voter has not attempted to vote twice.
- 4) Provides that instructions printed on the ballot may include warnings and checks to help voters mark their ballot correctly and avoid errors.
- 5) Requires a voter to return their ballot to the ballot clerk and receive another ballot if a voter spoils or defaces their previous ballot. A voter is prohibited from receiving more than a total of three ballots, including their original ballot.

This bill requires the SOS, in consultation with county election officials, to develop uniform standards and guidelines for a voter to correct mistakes made on the voter's ballot. This bill also permits the SOS to adopt appropriate regulations for the purpose of ensuring uniform application of these standards and guidelines.

Comments

- 1) *Author's Statement.* It is commonplace for a voter to mismark their ballot. When someone is voting in-person at a polling place or vote center, that voter can ask poll workers for advice on how to correct the error, or can easily request a replacement ballot. If a person is marking their mail ballot at home and makes a mistake, then that voter may not intuitively know how to fix that mistake so that the ballot can be counted accurately.

Furthermore, someone who is completing a ballot at home may be less likely to request a replacement ballot when they make a mistake, given the amount of time that it may take to get a replacement ballot mailed to them. When a voter reaches out to their elections official for advice on how to fix a mistake before returning their ballot, election officials generally do a good job of educating voters about the options for correcting that mistake. The advice and instructions on how to fix an error vary from county to county.

Providing and promoting best practices for fixing common ballot errors will help minimize ambiguity and increase voters' confidence that their ballot will be counted correctly.

- 2) *Mistakes Happen.* Existing law permits a voter to request a replacement ballot if a mistake is made. A replacement ballot also may be requested if the voter did not receive, lost, or destroyed their ballot. In order to receive a replacement ballot, a voter must submit a request or application for a replacement ballot to their county elections office by phone, email, fax, or other electronic means. Once the application is verified and approved, a replacement ballot is mailed to the voter. Most county election officials make the replacement ballot application available on their websites. Others provide interactive applications to request a replacement ballot. If a person is marking their VBM ballot at home and makes a mistake, a voter also has the option to go to a polling location to apply for and obtain a replacement ballot.

If an individual is voting in-person at a polling place or vote center, that voter can ask poll workers for advice on how to correct an error, or can request a replacement ballot.

- 3) *Correcting Mistakes in Bay Area Counties.* For the 2024 presidential general election, radio station KQED provided information on what to do if a mistake is made and the voter needs a replacement ballot. The article had information from nine counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma. While mostly similar, these counties varied in the detail of their advice to voters on how to fix an error on a ballot and the remedy for the issue. This ranged from crossing out the mistake and indicating the correct selection to directly requesting a replacement ballot.

Related/Prior Legislation

AB 1164 (Ransom) of 2025 requires the Voter Bill of Rights to inform voters that they can request a replacement ballot from a polling place worker or the elections official in the county.

AB 398 (Pellerin, Chapter 650, Statutes of 2023) among other provisions, allowed an elections official to provide a replacement VBM ballot to a voter without the need for the voter to provide a specified statement under penalty of perjury.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee, the SOS would incur a one-time General Fund cost of \$55,000 to develop ballot correction standards and adopt regulations.

SUPPORT: (Verified 8/29/25)

Asian Law Caucus
California Teachers Association
California Voter Foundation

OPPOSITION: (Verified 8/29/25)

None received

ASSEMBLY FLOOR: 76-0, 5/1/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Chen, McKinnor, Papan

Prepared by: Scott Matsumoto / E. & C.A. / (916) 651-4106
8/29/25 21:11:32

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