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**SENATE COMMITTEE ON  
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**  
Senator Sabrina Cervantes, Chair  
2025 - 2026 Regular

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<b>Bill No:</b>	AB 1164	<b>Hearing Date:</b>	7/15/25
<b>Author:</b>	Ransom		
<b>Version:</b>	6/24/25		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Scott Matsumoto		

**Subject:** Elections: Voter Bill of Rights

**DIGEST**

This bill updates the Voter Bill of Rights (VBOR) to revise the language about replacement ballots.

**ANALYSIS**

Existing law:

- 1) Requires the VBOR to be printed in the state voter information guide sent to all voters with printed copies supplied by the Secretary of State (SOS) for conspicuous posting both inside and outside of every polling place.
- 2) Requires the VBOR to contain information about voting, voting procedures, language access, and election fraud.
- 3) Allows the SOS to do both of the following:
  - a) Develop regulations to implement and clarify the VBOR.
  - b) Revise the wording of the VBOR as necessary to ensure the use of clear and concise language free from technical terms.
- 4) Requires an elections official to provide a replacement ballot to any voter upon receipt of a replacement ballot request from the voter.
- 5) 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, signed by the voter under penalty of perjury, requesting that a ballot be provided to the voter's representative. An elections official may not provide a ballot until both of the following occur:
  - a) The elections official compares the signature on the written request with the signature or signatures in the voter's record.
  - b) The authorized representative signs an acknowledgment of receipt of the voter's ballot.

- 6) 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 already voted.
- 7) Permits instructions to voters that are printed on the ballot to include warnings and checks to help voters mark their ballot correctly and avoid errors.
- 8) Requires a voter, if they spoil or deface a ballot, to at once return it to the poll worker and receive another ballot. A voter is prohibited from receiving more than a total of three ballots, including their original ballot.
- 9) Requires, beneath the VBOR, a toll-free telephone number be listed for voters to use if they have been denied a voting right or to report election fraud or misconduct.

This bill:

- 1) Requires the VBOR to inform a voter that they can request a replacement ballot and requires the following specified language to be included in the VBOR:
  - a) You have the right to request and receive a replacement ballot from a poll worker or your local elections official before the closing of the polls under the following circumstances:
    - i) You do not have your ballot.
    - ii) Your ballot has been damaged.
    - iii) You made a mistake on your ballot and have not yet cast it.
- 2) Modifies the placement of a toll-free telephone number for voters to use if they have been denied a voting right or to report election fraud or misconduct from beneath the VBOR to anywhere on the VBOR.

### **BACKGROUND**

Voter Bill of Rights. In 2003, AB 177 (Oropeza), Chapter 425, Statutes of 2003, established the VBOR and enumerated the rights of voters. The VBOR includes the following:

- You have the right to cast a ballot if you are a valid registered voter. A valid registered voter means a United States citizen who is a resident in this state, who is at least 18 years of age and not serving a state or federal prison term for conviction of a felony, and who is registered to vote at their current residence address.
- You have the right to cast a provisional ballot if your name is not listed on the voting rolls.
- You have the right to cast a ballot if you are present and in line at the polling place before the close of the polls.
- You have the right to cast a secret ballot free from intimidation.

- You have the right to receive a new ballot if, before casting your ballot, you believe you made a mistake. If at any time before you finally cast your ballot, you feel you have made a mistake, you have the right to exchange the spoiled ballot for a new ballot. VBM voters may also request and receive a new ballot if they return their spoiled ballot to an elections official before the closing of the polls.
- You have the right to receive assistance in casting your ballot, if you are unable to vote without assistance.
- You have the right to return a completed VBM ballot to any precinct in the county.
- You have the right to election materials in another language, if there are sufficient residents in your precinct to warrant production.
- You have the right to ask questions about election procedures and observe the election process. You have the right to ask questions of the precinct board and election officials regarding election procedures and to receive an answer or be directed to the appropriate official for an answer. However, if persistent questioning disrupts the execution of their duties, the precinct board or election officials may discontinue responding to questions.
- You have the right to report any illegal or fraudulent activity to a local elections official or to the SOS's office.

The SOS makes the VBOR available before each election and on Election Day, and the SOS prints the VBOR verbatim in the state voter information guide and on posters or other printed materials included in precinct supplies. The VBOR is also posted on the SOS website in various languages.

In 2015, SB 505 (Mendoza), Chapter 236, Statutes of 2015, authorized the SOS to revise the wording of the VBOR as necessary to ensure that the language used is clear and concise and free from technical terms. Prior to SB 505, the SOS had limited authority to ensure that election materials were prepared and provided in plain language. SB 505 formally allowed the SOS to inform voters using plain language text to describe the VBOR.

Replacement VBM Ballots. Existing law permits a registered voter to request a replacement ballot if they did not receive their VBM ballot, or lost or destroyed the original 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 will be mailed to the voter. Most county election officials make the replacement ballot application available on their county elections website.

### **COMMENTS**

- 1) Author's Statement. As the most populous state in the country, California faces a significant undertaking when we hold our elections. While our election officials work tirelessly to ensure that our elections are secure and the voice of our voters is heard, voters themselves are in need of greater clarity when it comes to their rights. This bill provides that clarity for our millions of voters, ensuring they know their rights to replacement ballots when theirs are lost, destroyed, not received, or could not be surrendered. It is a straightforward bill that ensures voters know their rights to replacement ballots.

- 2) Wordy Wording – Suggested Amendment. As previously mentioned, the SOS has the authority to modify the wording of the VBOR. This bill adds language to the text of the VBOR relating to replacement ballots. The language itself does not necessarily need to be taken verbatim and printed on the VBOR. In fact, the downloadable versions of the VBOR, the language is not exactly what is stated in statute. This means that the SOS does attempt to make the VBOR more readable and understandable for voters. With this in mind, the language currently in the bill could be simpler since the ability to replace a ballot is already in statute and the VBOR simply reiterates existing laws relating to voting rights.

The Center for Civic Design shares best practices for civic design for plain language, accessibility, information design, and civic research in an effort to make elections easier to run, support innovation, and invite participation in elections. Among the research, the Center for Civic Design has best practices into what works in voter education brochures and flyers. One of the highlights is to write clearly for voters by avoiding, or explaining, election terminology because “seemingly simple words can be confusing if voters do not understand their meaning in the elections context.”

Committee staff recommends the following amendment in order to simplify the text of the VBOR:

- (a)(5) You have the right to request and receive a replacement ballot from a poll worker or your local elections official before the closing of the polls under the following circumstances:
- (A) You do not have your ballot.
  - (B) Your ballot has been damaged.
  - (C) You made a mistake on your ballot and have not **yet cast submitted** it.

- 3) Flexibility in Placement of Specific Text. Current law specifies that a toll-free telephone number be listed for voters to use if they have been denied a voting right or to report election fraud or misconduct. This telephone number is required to be beneath the VBOR. In the downloadable versions of the VBOR, the telephone number is placed to the right of the VBOR. This bill provides flexibility for the SOS to provide a more readable VBOR by removing the specific placement of the telephone number and, instead, allows the placement of the information to be anywhere on the VBOR.

### **RELATED/PRIOR LEGISLATION**

AB 1072 (Pellerin) of 2025 requires the SOS to develop uniform standards and guidelines for a voter to correct mistakes when voting.

SB 505 (Mendoza), Chapter 236, Statutes of 2015, authorized the SOS to revise the wording of the VBOR as necessary to ensure that the language used is clear and concise and free from technical terms.

AB 177 (Oropeza), Chapter 425, Statutes of 2003, established the VBOR and enumerated the rights of voters.

**PRIOR ACTION**

Assembly Floor:	78 - 0
Assembly Appropriations Committee:	14 - 0
Assembly Elections Committee:	7 - 0

**POSITIONS**

**Sponsor:** California Secretary of State Shirley N. Weber, Ph.D.

**Support:** California Association of Clerks and Election Officials  
California Environmental Voters  
Election Integrity Project California, Inc.  
League of Women Voters of California  
NAACP California-Hawaii State Conference  
One individual

**Oppose:** None received

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