CONCURRENCE IN SENATE AMENDMENTS
CSA1 Bill Id:AB 16¶Author:(Alanis)
As Amended Ver:September 4, 2025
Majority vote

SUMMARY

Conforms state law governing the processing of vote by mail (VBM) ballot return envelopes and ballots to a recent change in state law that allows elections officials to begin sending VBM ballots to voters earlier than the 29th day before the election.

Senate Amendments
Add double-jointing language to avoid chaptering issues with SB 3 (Cervantes) of the current legislative session.

COMMENTS

Until recently, state law required county elections officials to begin mailing VBM ballots to most voters on the 29th day prior to an election. AB 49 (Cervantes), Chapter 553, Statutes of 2019, however, required elections officials to begin sending VBM ballots *no later than* the 29th day before the election. As a result, some counties begin mailing VBM ballots earlier than the 29th day before the election. In those counties, some VBM ballots may be returned to the elections official before the 29th day before the election, which is the first day that existing law allows elections officials to begin processing VBM ballot return envelopes and VBM ballots that have been returned by voters.

This bill allows county elections officials to begin processing VBM ballot return envelopes and VBM ballots *on the date on which ballots are mailed*. That change may have a modest effect on elections officials′ ability to pre-process VBM ballot return envelopes and ballots before election day.

Unlike most ballots that are cast in-person at vote centers and polling places, VBM ballots generally are returned in envelopes that link the ballots back to the voters to whom they were issued, and must undergo additional verification before those envelopes can be opened. That verification includes a comparison of the signature on each ballot identification envelope with the signatures that are part of the voter′s registration record to confirm that the voter who was issued the VBM ballot is the voter who completed and returned the ballot. Once that verification is complete, the envelope can be opened and the ballot can be prepared for counting. California law currently allows all county elections officials to begin processing VBM ballot return envelopes beginning 29 days before the election, and allows jurisdictions having the ″necessary computer capability″ to begin processing VBM *ballots* beginning the 29th day before the election. While actual vote tallies from those VBM ballots cannot be accessed by any person (including the elections official) or released to the public until 8 p.m. on election day, counties are able to scan those ballots through the voting system prior to election day. Once the polls are closed, the elections official instructs the voting system to tabulate and release the results of those already-scanned VBM ballots. Those ballots typically are the first results released by county elections officials on election night, often within 20 minutes of the time that the polls close, and may represent a substantial portion of the total number of ballots that ultimately are cast in the election. The City and County of San Francisco, for example, released the results for

nearly 48% of the total number of ballots cast in the county at the November 2024 statewide general election shortly after 8 p.m. on the night of the election.

The limitation that counties must have ″necessary computer capability″ in order to begin processing VBM ballots before the day before the election dates back to 1975, when some counties still tallied ballots manually rather than by a computerized voting system. This restriction appears to be intended to prevent those counties from manually tallying ballots before the day before the election, potentially due to concerns that the process of manually tallying ballots would make election results publicly available before election day. It appears, however, that no California county has conducted a full manual tally of all ballots cast at a statewide election since 1984. Accordingly, the language related to counties having ″necessary computer capability″ in order to begin processing VBM ballots earlier appears to be obsolete. This bill deletes that language.

The Senate amendments make technical, non-substantive changes to address conflicts with other pending legislation. This bill, as amended in the Senate, is consistent with prior Assembly actions.

According to the Author
″AB 16… [allows] county election officials to begin processing and counting vote-by-mail ballots as soon as ballots are mailed. This will allow us to begin verifying signatures, processing ballots, and preparing them for machine counting without compromising the integrity of the election process. In the end, this bill is about transparency, efficiency, and public confidence in our elections. We owe it to our constituents to make sure that their voices are counted as quickly and accurately as possible.″

Arguments in Support
None received to the current version of the bill.

Arguments in Opposition
In opposition to this bill, Election Integrity Project California writes, "A lack of uniformity in the ballot mailing timeline presents a special challenge for candidates whose districts cross county lines. If one county mails out their ballots right 'on time,' but an adjoining county that candidate would also represent sends their ballots early, the candidate's ability to reach all of the potential constituents consistently in a fair and meaningful way is heavily impacted. AB 16 also enhances the probability that ballots will be processed in even more counties before ballots in other counties are even mailed out. This introduces yet more chaos into an already completely out-of-control election process in this state. California's election system cries out for more standardization and much less county autonomy. It also cries out for meaningful legislation that actually moves the needle…As it stands, AB 16 will make minor changes that accomplish nothing."

FISCAL COMMENTS

None. This bill is keyed non-fiscal by the Legislative Counsel.

VOTES:

ASM ELECTIONS: 7-0-0
YES: Pellerin, Macedo, Bennett, Berman, Solache, Stefani, Tangipa

ASSEMBLY FLOOR: 75-0-4
YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bauer-Kahan, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, 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
ABS, ABST OR NV: Bains, Bennett, Ellis, Lee

UPDATED

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