
THIRD READING

Bill No: AB 5
Author: Berman (D), et al.
Amended: 7/2/25 in Senate
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: 71-0, 5/29/25 - See last page for vote

SUBJECT: Elections: official canvass

SOURCE: Author

DIGEST: This bill requires election officials to finish counting all ballots by the 13th day following Election Day unless certain conditions are met.

ANALYSIS:

Existing law:

- 1) Requires an elections official to conduct a semifinal official canvass of each election by tabulating vote by mail (VBM) and precinct ballots and compiling the results. The semifinal official canvass is required to begin immediately upon the closing of the polls and to continue without adjournment until all precincts are accounted for.
- 2) Requires an official canvass of an election to commence no later than the Thursday following the election. The official canvass is required to be open to the public and, for state elections, concludes in a report of results to the Secretary of State (SOS). The official canvass continues daily (except for

Saturdays, Sundays, and holidays) for not less than six hours each day until completed.

- 3) Requires an elections official, beginning no later than the Thursday following an election, to post updated information regarding the election on the election official's website at least once per week. This includes updated results for any candidate or measure appearing on the ballot, the number of ballots processed, an estimated number of outstanding ballots remaining to be processed, and the date and time when the official will post results.
- 4) Requires the elections official to prepare a certified statement of the results of an election and submit it to the local governing body within 30 days of the election.
- 5) Requires county election officials, upon receiving a VBM ballot, to compare the signature on the VBM ballot identification envelope with signatures that are part of the voter's registration record. If a VBM ballot identification envelope was not signed by the voter or the signature on the envelope does not compare to the signatures part of the voter's registration record, then election officials must provide the voter an opportunity to verify the ballot so that it may be counted.
- 6) Requires a county elections official, if a VBM ballot is returned to the county that was not issued by that official, to forward the ballot to the elections official who issued the ballot no later than eight days after receipt.
- 7) Provides for an elections official to make a duplicate copy of a ballot under any of the following circumstances:
 - a) Where necessary, if the ballot is torn, bent, or otherwise defective such that every vote cast by the voter can be counted by the tabulating equipment.
 - b) Upon receipt of a ballot returned by a military or overseas voter via facsimile transmission.
- 8) Permits a voter who is not registered to vote, but who is otherwise qualified to register to vote, to complete a conditional voter registration (CVR) and to cast a ballot during the 14 days immediately preceding an election or on Election Day. A CVR is deemed effective if the county elections official is able to determine before or during the canvass period that the registrant is eligible to register to vote.

- 9) Entitles a voter claiming to be properly registered, but whose qualification or entitlement to vote cannot be immediately established, to vote a provisional ballot. The elections official, during the official canvass, is required to examine the records with respect to a provisional ballot cast and to count the ballot if the county elections official can verify the eligibility of the provisional voter.

This bill

- 1) Requires election officials to finish counting all ballots and release the results of those ballots by the 13th day following Election Day, except:
 - a) For ballots needing to be duplicated, VBM ballots forwarded from a county to county of origin, VBM ballots with an issue with the voter's signature, provisional ballots, ballots cast by a person who votes through conditional voter registration, and ballots received by an elections official after the fourth day following Election Day.
 - b) When the election official files a notice of extension with the SOS and includes the reason for the extension. The SOS and the elections official must post the extension filing on their respective websites.
- 2) Provides that nothing in this bill alters the specific statutory obligations in the Elections Code regarding counties completing their respective vote canvasses.

Background

VBM Ballot Processing. Notwithstanding the fact that nearly 95% of ballots from the November 2024 election were counted by the 10th day after the election, the remaining 5% of ballots to be counted likely were disproportionately the types of ballots that require additional processing by election officials before they can be counted. The additional workload associated with processing and counting those ballots are the result of provisions of state law that were enacted in an effort to count as many ballots and enfranchising as many voters as possible. In some cases, the types of ballots cast and counted under these provisions of California law would not be counted if they were cast in other states. These types of ballots include the following:

- VBM Ballots Forwarded from Other Counties – Prior to 2017, if a voter who was travelling on Election Day dropped their completed VBM ballot off at an in-person voting location or VBM ballot drop-off location in a county other than the one where the voter was registered to vote, state law did not require the ballot to be counted. Beginning in 2017, SB 450 (Allen, Chapter

832, Statutes of 2016) required a county to forward any VBM ballot received that was issued by another county to the county of origin within eight days of receiving the ballot, among other provisions. While that requirement increases the number of ballots that are able to be counted, it also increases workload for county election officials. A county cannot begin processing a VBM ballot until it has possession of that ballot, ballots that are forwarded under this provision may not be able to be counted until many days after Election Day.

- **VBM Ballots Subject to Signature Curing** – Under existing law, when a voter casts a VBM ballot, that voter generally returns the completed VBM ballot in a ballot identification envelope that contains information about the voter to whom the ballot was issued. Among other purposes, the identification envelope serves as a way to verify the identity of the voter who cast the ballot. Before a VBM ballot identification envelope can be opened and the ballot counted, the elections official must first verify information on the envelope, including comparing the voter’s signature on the identification envelope to the signature(s) in the voter’s registration record. This verification process means that tabulating VBM ballots generally is more time- and labor-intensive than tabulating ballots that are cast at in-person voting locations.

Voters are also provided an opportunity to cure a missing or noncomparing signature. State law requires that a voter be notified of their ability to “cure” a problem with their VBM ballot and be given time to complete that curing process. It generally takes longer before these ballots can be verified and counted by election officials.

- **Provisional Ballots** – Under state law, a voter is entitled to cast a provisional ballot if the voter claims to be properly registered but the elections official cannot immediately establish that voter’s eligibility. While federal law requires most states to have a provisional balloting process, California’s laws are liberally construed in favor of the voter.

The provisional ballot issued to the voter may contain contests in which the voter was not eligible to participate. Provisional ballots in California sometimes must be duplicated so that the ballot only counts contests in which the voter was eligible to vote. These verification and duplication processes take time and add workload to county election officials, but also result in many more voters being able to participate in elections. In California, more than 90% of provisional ballots cast in statewide elections

generally are counted in whole or in part. In some other states, fewer than 40% of provisional ballots are counted.

- **Conditional Voter Registration** – California law allows a person who did not register to vote by the regular voter registration deadline (15 days before the election) to register and vote in-person up to and including on Election Day through a process known as CVR. Before a CVR ballot can be counted, the elections official must first verify the registrant's eligibility to register to vote and cast a CVR ballot. This may require the elections official to wait until other ballots and election records are processed before processing the CVR ballot. The verification process takes time and adds to the workload of election officials.
- **Ballots that Need Duplicating** – As previously mentioned, certain provisional ballots need to be duplicated once the voter's eligibility has been established, but before the ballot can be tabulated. Ballots damaged or that otherwise cannot be counted by the tabulating equipment and ballots containing a voter's personal information generally must be duplicated on to a blank ballot following a specified procedure before those ballots can be counted. Both the original ballot and the re-made duplicate are preserved with other election records. The process for duplicating ballots takes time and adds to the workload of election officials.

Mail Delivery. According to their 2024 Post-Election Analysis Report, the United States Postal Service (USPS) reported that between September 1, 2024, and November 15, 2024, at least 99.22 million ballots were delivered to and from voters throughout the country. Of those ballots, USPS delivered 97.73% of ballots from voters to election officials within three days, 99.64% within five days, and 99.88% within seven days.

Comments

Author's Statement. California has one of the most accessible, secure, and transparent voting systems in the country. We also have some of the most competitive congressional and legislative races, due to our independent redistricting process and lack of political gerrymandering. These are things to be proud of, but the reality is that they also lead to slower vote counts that can confuse and frustrate the public, drawing negative attention to our voting process, and creating an opportunity for bad actors to sow doubt about election results they do not like in an effort to undermine confidence in our democracy.

This bill seeks to maintain voting accessibility and security while also speeding up vote counting by establishing clear and achievable metrics for when the vast majority of ballots must be counted and races decided. This increases transparency in the vote count process to give voters and the public even more confidence, while maintaining our nation-leading voting rights.

SOS Concerns and Opposition. The SOS submitted a letter of opposition to this bill. The letter raises the fiscal issues to comply with this 13-day deadline, the numerous types of exemptions provided by this bill, and the vagueness of the deadline extension process.

Related/Prior Legislation

SB 406 (Choi) of 2025 requires VBM ballots be returned to the appropriate elections official no later than the close of the polls on Election Day unless certain conditions are met. SB 406 was heard by the Senate Committee on Elections and Constitutional Amendments and was held without recommendation.

AB 25 (DeMaio) of 2025, among other provisions, requires an elections official to count all ballots, except provisional ballots and VBM ballots for which a voter has the opportunity either to verify or provide a signature, by no later than 72 hours after the election. The bill was heard by the Assembly Committee on Elections where the measure failed passage.

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

According to the Senate Committee on Appropriations:

- The Secretary of State (SOS) anticipates no fiscal impacts associated with implementing the provisions of this bill.
- By requiring local elections officials to finish counting ballots by the 13th day following an election (with specified exceptions), this bill creates a state-mandated local program. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service on local agencies, local agencies could claim reimbursement of those costs. The magnitude is unknown, but potentially in excess of \$50,000 annually (General Fund).

SUPPORT: (Verified 8/29/25)

California Taxpayers Association
Silicon Valley Community Foundation

One individual

OPPOSITION: (Verified 8/29/25)

California Secretary of State Shirley N. Weber, Ph.D.
Election Integrity Project California, Inc.

ASSEMBLY FLOOR: 71-0, 5/29/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, 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, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Soria, Stefani, Ta, Valencia, Wallis, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Alvarez, Bryan, Chen, Nguyen, Sharp-Collins, Solache, Tangipa, Ward

Prepared by: Scott Matsumoto / E. & C.A. / (916) 651-4106
8/29/25 20:24:06

**** END ****