

CONSENT

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Bill No: SB 1431  
Author: Committee on Elections and Constitutional Amendments  
Introduced: 3/5/26  
Vote: 21

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SENATE ELECTIONS & C.A. COMMITTEE: 5-0, 4/21/26  
AYES: Wiener, Choi, Allen, Cervantes, Umberg

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**SUBJECT:** Elections

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

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**DIGEST:** This bill deletes obsolete requirements for a military and overseas voter to apply for a vote by mail (VBM) ballot and makes changes to the process a candidate follows in submitting nomination signatures.

**ANALYSIS:**

Existing law:

- 1) Requires every active registered voter to receive a VBM ballot for any election.
- 2) Requires election officials to send ballots not earlier than 60 days but not later than 45 days before an election to military and overseas voters.
- 3) Requires a candidate for office in order to qualify for the ballot to submit nomination papers, which must be signed by voters. The number of registered voters required to sign is as follows:
  - a) For state office or United States Senate, not fewer than 65 nor more than 100;
  - b) For United States House of Representatives, State Senate, State Assembly, Board of Equalization, or any office voted for in more than one county but not statewide, not fewer than 40 nor more than 60;

- c) Candidacy in a single county or political subdivision thereof, other than Senate or Assembly, not fewer than 20 nor more than 40;
- d) If there are fewer than 150 voters in the county or district in which the election will be held, not fewer than 10 nor more than 20.

If a candidate submits more than the maximum number of signatures, then the elections official receiving the nomination papers may withdraw the excess signatures.

This bill:

- 1) Deletes obsolete requirements in existing law for a military and overseas voter to apply for a VBM ballot.
- 2) Deletes the upper limit for nomination signatures but maintains the minimum number of signatures for each office.
- 3) Allows candidates to continuously submit signatures until the candidate reaches the required number of signatures on their nomination papers.

## **Background**

*Military and Overseas Voters.* In California, an individual is permitted to register to vote electronically. When registering to vote as a military or overseas voter, a voter can choose to have their ballot mailed, faxed, or emailed to them. Additionally, county election officials begin sending ballots to military and overseas voters 60 days before Election Day. The voter may return the voted ballot to their county elections official by mail or, in certain circumstances, by fax.

*VBM Ballot Use in California and Previous Legislation.* Over the decades, California voters have increasingly relied on VBM ballots. Since 2012, VBM ballots have constituted the majority of ballots cast.

Legislation enabled this shift. First, AB 1520 (Shelley, Chapter 922, Statutes of 2001) authorized any voter to become a permanent VBM voter. Then SB 450, (Allen, Chapter 832, Statutes of 2016) also known as the Voter's Choice Act, permits counties to opt-in to conducting elections in which every voter receives a VBM ballot and vote centers and ballot drop-off locations are available prior to and on Election Day, in lieu of operating polling places.

During the COVID-19 pandemic, state law temporarily required county election officials to mail a ballot to every active registered voter for the November 3, 2020 statewide general election and for elections held in 2021. AB 37 (Berman, Chapter 312, Statutes of 2021) made that policy permanent for all future elections, and made other changes to the VBM processes, procedures, and requirements. AB 37 and subsequent bills have removed references to applying for a VBM ballot from state law.

### Comments

- 1) *Committee Bill.* The Senate Committee on Elections and Constitutional Amendments Committee is authoring this bill to make a number of noncontroversial changes to the Elections Code. The Secretary of State (SOS) requested all changes currently included in this bill.
- 2) *VBM Applications for Military and Overseas Voters.* As the requirement to mail a ballot to every active registered voter originally was a temporary accommodation for elections held during the pandemic, corresponding changes were not made to related provisions of California law, including some language requiring a voter to apply for a VBM ballot. AB 37 established the statewide practice of mailing every voter a VBM ballot for every election, based on that prior legislation. It did not make many related conforming or cleanup changes. Cleanup bills over the ensuing years have made many conforming and clarifying changes to reflect the changes AB 37 made to the distribution of ballots. This bill continues that practice with the remaining provisions of law governing military and overseas voters.
- 3) *Nomination Signatures.* This bill amends the Elections Code to remove the upper limits on the number of nomination signatures a candidate may submit and also explicitly allows candidates to continuously submit signatures until reaching the minimum number of required signatures. SOS staff report that some counties have been handling nomination signatures in ways that have required the SOS to intervene on behalf of candidates. This bill clarifies existing law to ensure candidates are treated fairly and the same across jurisdictions.

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

**SUPPORT:** (Verified 5/4/26)

California Secretary of State Shirley N. Weber, Ph.D. (source)

**OPPOSITION:** (Verified 5/4/26)

None received

**ARGUMENTS IN SUPPORT:** Secretary of State Shirley N. Weber, Ph.D., writing as the bill's sponsor, states that the bill contains two critical provisions, which will serve to facilitate smooth elections going forward. First, it removes incorrect references and requirements for military or overseas voters, and second, it improves the signature submission process for candidates when submitting nomination papers. Secretary Weber notes that the changes will reduce confusion surrounding requirements for military and overseas voters and will simplify requirements for candidate filing.

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5/5/26 15:55:52

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