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**405SENATE COMMITTEE ON  
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**  
**Senator Sabrina Cervantes, Chair**  
**2025 - 2026 Regular**

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<b>Bill No:</b>	SB 406	<b>Hearing Date:</b>	4/1/25
<b>Author:</b>	Choi		
<b>Version:</b>	2/14/25		
<b>Urgency:</b>	No	<b>Fiscal:</b>	No
<b>Consultant:</b>	Scott Matsumoto		

**Subject:** Elections: ballot submission deadline.

**DIGEST**

This bill requires vote by mail (VBM) ballots to be returned to the elections official by the close of the polls on Election Day, unless certain conditions are met.

**ANALYSIS**

Existing law:

- 1) Provides that a United States citizen at least 18 years old, a resident of California, and not serving a state or federal prison term may register to vote and vote.
- 2) Requires every active registered voter to receive a VBM ballot for any election.
- 3) Requires elections officials to begin mailing a VBM ballot no later than 29 days before Election Day.
- 4) Provides a VBM ballot is timely cast if it is received by the voter's elections official by mail no later than seven days after Election Day and is postmarked or time/date stamped on or before Election Day.

This bill:

- 1) Requires VBM ballots to be returned to the elections official by the close of the polls on Election Day.
- 2) Provides that a ballot cast by a military or overseas voter shall be counted if it is postmarked on or before Election Day and received by the elections official no later than seven days after Election Day.

**BACKGROUND**

Vote by Mail. Californians have increasingly relied on VBM ballots to cast a vote. According to the Secretary of State's office, the 1962 general election saw 2.63 percent of Californians vote by mail. For the 2024 presidential general election, 80.76 percent of Californians voted by mail. This massive increase in mail voting over the past 60 years is a result of many factors ranging from legislation expanding access to VBM

ballots, paid postage on return envelopes, and additional elected offices resulting in longer, sometimes more complicated, and time-consuming ballots.

The rise in popularity of VBM ballots has also corresponded with the number of voters registered to vote. California has a higher population than in the 1960s and the number of voters registered to vote has increased accordingly. As of October 21, 2024, there were 22,595,659 registered voters. This represents an increase of over four million registered voters since 2008. Below is a table of recent statewide elections and the percentage of VBM ballots in that election:

Vote By Mail Ballots since 2012*						
Year	Primary			General		
	VBM Ballots	Total Ballots Cast	Percentage	VBM Ballots	Total Ballots Cast	Percentage
2012	3,471,570	5,328,296	65.15%	6,753,688	13,202,158	51.16%
2014	3,096,104	4,461,346	69.40%	4,547,705	7,513,972	60.52%
2016	5,036,262	8,548,301	58.92%	8,443,594	14,610,509	57.79%
2018	4,834,975	7,141,987	67.70%	8,302,488	12,712,542	65.31%
2020	6,982,750	9,687,076	72.08%	15,423,301	17,785,151	86.72%
2021	Statewide Special Election			11,733,429	12,892,578	91.01%
2022	6,647,212	7,285,230	91.24%	9,755,198	11,146,620	88.64%
2024	6,841,984	7,719,218	88.64%	13,034,378	16,140,044	80.76%

\*Data compiled from reports from the Secretary of State's website.

AB 37 (Berman), Chapter 312, Statutes of 2021, made permanent COVID-era legislation that required a VBM ballot be sent to every active registered voter prior to an election. As a result, today, all voters receive a VBM ballot and can choose how to return it. The VBM ballot can be mailed back to the elections official, placed in a ballot drop-off box/location, or dropped off at a polling location. If a VBM ballot is mailed, the ballot needs to be postmarked by Election Day and received within seven days of Election Day.

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 percent of ballots from voters to election officials within three days, 99.64 percent within five days, and 99.88 percent within seven days.

Ballot Rejection. A number of VBM ballots are rejected at every election for various reasons. A rejected ballot is a ballot that was not counted because of a missing signature, a noncomparing signature, the ballot was missing from the envelope, multiple ballots were returned in one envelope, the ballot was not received on time, the voter already voted, or there is a missing or incorrect address on the envelope. A ballot can also be rejected if a voter did not provide their driver's license number, identification card number, or last four digits of their social security number when registering to vote and did not provide a form of identification when voting for the first time. Below is data relating to VBM ballots that missed the seven-day deadline relative to the total number of VBM ballots rejected by statewide election.

VBM Rejected Ballots Statistics*			
Election	Total Number of VBM Accepted	Total Number of VBM Rejected**	Rejected for Late Arriving Ballots
2020 Primary	6,958,885	102,428	70,330^
2020 General	15,393,834	86,401	15,040^^
2022 Primary	6,664,084	105,818	69,914
2022 General	9,755,198	120,609	57,764
2024 Primary	6,855,272	108,982	75,858
2024 General	13,034,378	122,480	33,016

\*Data compiled from reports from the Secretary of State's website.

\*\*Total number of ballots rejected includes all circumstances, beyond a late-arriving VBM ballot.

^Deadline for a ballot to be received by an elections official with a postmark of Election Day was three days after Election Day.

^^Deadline for a ballot to be received by an elections official with a postmark of Election Day was 17 days after Election Day.

## COMMENTS

- 1) Author's Statement. For the last few years, it has taken an unreasonably long time for California to be able to report its election results. Just this past election, there were over 2.6 million votes a week after Election Day waiting to be counted. This long wait leads to unfounded conspiracies and a decline in public trust of our state's elections process. This bill would help solve this issue by requiring all ballots, including those cast by mail or drop box, to be received by election officials no later than Election Day, with a small exception for military members and California voters overseas. This measure will go a long way in ensuring that voters can trust their elections system, while also ensuring that voters get final election results in a reasonable timeframe.
- 2) When to Mail and Public Education. If enacted, this bill requires VBM ballots to be received by an elections official by the close of the polls on Election Day. Under current law, as long as a voter mails their ballot prior to the mail being picked up by the postal service, it will be postmarked, delivered, and accepted by an elections official. The USPS data previously mentioned shows that a vast majority of VBM ballots are received within the seven-day deadline.

This bill will require voters to factor in mail delivery times when submitting a vote through USPS. Delivery times may vary for a number of reasons: weather, terrain, geography, budgetary constraints, traffic, etc. The Election Day deadline increases the likelihood that an external factor outside of the voter's control may prevent a voter, who thinks they are voting timely, from voting.

- 3) Role of Secretary of State – Recommended Amendment. If this bill is enacted, the Secretary of State and county election officials may need to adapt quickly to the new requirements prescribed by this bill. The Secretary of State, as California's chief elections official, needs to ensure that this new law is implemented uniformly throughout the state. Should the committee pass this bill, the bill should be amended to require the Secretary of State to adopt regulations.

**RELATED/PRIOR LEGISLATION**

SB 335 (Strickland) of 2025, among other provisions, repeals the requirement to mail a VBM ballot to every active registered voter.

AB 13 (Essayli) of 2023, among other provisions, would have changed the deadline, from seven days to three days after Elections Day, for VBM ballots to be received if postmarked before or on Election Day. AB 13 failed in the Assembly Committee on Elections.

AB 37 (Berman), Chapter 312, Statutes of 2021, among other provisions, required the mailing of a VBM ballot to every active registered voter, required VBM ballot drop-off locations, and established a seven-day deadline for VBM ballots to be returned if postmarked on or before Election Day.

AB 860 (Berman), Chapter 4, Statutes of 2020, changed the deadline for the November 2020 general election by which VBM ballots must be received by county election officials to the 17th day after Election Day.

SB 29 (Correa), Chapter 618, Statutes of 2014, allowed VBM ballots to be counted if they are cast by Election Day and received by county election officials no later than three days after Election Day. Prior to SB 29, VBM ballots needed to be received by the close of the polls on Election Day.

**POSITIONS**

**Sponsor:** Author

**Support:** Shasta County Board of Supervisors

**Oppose:** American Civil Liberties Union California Action  
American Federation of State, County and Municipal Employees, AFL-CIO  
Asian Law Caucus  
CFT – A Union of Educators & Classified Professionals, AFT, AFL-CIO  
Disability Rights California  
League of Women Voters of California

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