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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>	SB 407	<b>Hearing Date:</b>	4/1/25
<b>Author:</b>	Choi		
<b>Version:</b>	2/14/25		
<b>Urgency:</b>	No	<b>Fiscal:</b>	Yes
<b>Consultant:</b>	Scott Matsumoto		

**Subject:** Elections: official canvass

**DIGEST**

This bill requires election officials to certify election results within 10 days of an election. This bill also requires the Secretary of State (SOS) to prepare, certify, and file a statement of the vote of an election two days after receiving the election results from all county election officials.

**ANALYSIS**

Existing law:

- 1) Requires election officials to prepare a certified statement of the results of the election and submit it to the governing body of the local jurisdiction within 30 days of the election.
- 2) Requires election officials to send to the SOS within 31 days of the election in an electronic format one complete copy of the following results:
  - a) All candidates voted for statewide office.
  - b) All candidates voted for the following offices: Member of the Assembly, Member of the Senate, Member of the United States House of Representatives, Member of the State Board of Equalization, Justice of the Court of Appeal, and Judge of the superior court.
  - c) All persons voted for at the presidential primary within 28 days after the election.
  - d) The votes for President and Vice President of the United States within 28 days after the election.
  - e) All statewide measures.
  - f) The total number of ballots cast.
- 3) Requires the SOS to prepare, certify, and file a statement of the vote from the compiled results no later than the 38th day after the election. The SOS must post the certified statement of the vote on its website.

This bill:

- 1) Reduces the deadline for election officials to prepare a certified statement of the results of the election and submit it to the governing body to within 10 days of the election.
- 2) Reduces the deadline for election officials to send electronically election results for specific contests to the SOS to within 11 days of the election.
- 3) Reduces the deadline for the SOS to prepare, certify, and file a statement of the vote from the compiled results to two days after receiving election results from all county election officials.
- 4) Makes technical changes.

### **BACKGROUND**

Voting by Mail. Californians have increasingly relied on vote by mail (VBM) ballots to cast a vote. According to the SOS, 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. State law requires VBM ballots to be mailed no later than 29 days before 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 7 days of Election Day.

Signature Curing. When a voter's signature does not compare to the signature on file or the voter's signature is missing from the voter's vote by mail envelope, the county elections official is required to mail a notice to the voter of the issue and how the voter can remedy or "cure" their ballot. The voter is required to submit their verification or unsigned identification envelope statement by no later than 5 p.m. two days prior to the certification of the election. It is unknown how many voters submitted their cure statement after the deadline.

Ballot Curing. In addition to the signature curing process, county election officials also need to "cure" damaged ballots so that it could be read through the machines. Reasons include ripped or torn ballots, dog bite marks, coffee stains, and voters marking a ballot incorrectly. When curing ballots, the process requires multiple people to ensure the ballot is accurately cured to be read by the machine. Depending on the number of voters in a county, this may be a time-consuming endeavor.

### COMMENTS

- 1) Author's Statement. This past election, California had millions of votes left to be counted weeks after Election Day. The longer results are delayed, the more voters begin to lose confidence in their elections process and start to believe in conspiracy theories regarding the integrity of elections. This bill would shorten the post-election canvassing period from 30 days to 10 days for all elections, while also requiring the Secretary of State to certify the elections within two days of receiving the final results. This bill will encourage county election officials to implement best practices for ballot counting and processing, and ensure legislators are not sworn in prior to the certification of the final election results.
- 2) What's the Problem? In background materials provided to the committee, the author notes that the length of time between Election Day and the final results impacts voter confidence leading to a breakdown in trust in elections. The committee should consider whether there is an actual problem, instead of a perceived problem, with the current time frame to complete and finalize election results. If it is deemed a problem, then the committee should consider whether a significant reduction of the canvass period is warranted or if other remedies should be considered. For example, additional funding for staff, processing machines, and places to use/store equipment may also help expedite election results. Balancing voter access, the speed of ballot processing, transparency to the public, and accuracy of the results are all paramount factors that should be considered before moving forward.
- 3) VBM Deadline Remains the Same. This bill reduces the time period counties have for completing the canvass of the election. Under current law, if postmarked by Election Day, VBM ballots have seven days to be received by an elections official. This bill does not change this deadline. As a result, a large influx of VBM ballots received on the 7th day following Election Day, especially in more populated

counties will create a logistical and administrative challenge to process these newly received, but timely cast, VBM ballots in three days.

It should be noted that SB 406 (Choi) of 2025 would require 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. If both measures are chaptered, SB 406 would provide additional time, though less than under current law, to process VBM ballots.

### **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.

AB 25 (DeMaio) of 2025, among other provision, 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. AB 25 is pending in the Assembly Committee on Elections.

AB 1214 (Patterson) of 2025 requires election officials to count and certify election results within 21 days of the election, and to send the SOS a complete copy of all election results within 22 days of the election. AB 1214 also requires an elections official to count at least 25 percent of ballots by the 7th calendar day following the election and at least 67 percent of ballots by the 14th calendar day following the election.

SB 518 (Wilk) of 2023 would have prohibited election officials from certifying election results before the 30th day after an election. SB 518 passed the Senate, but was not heard by a committee in the Assembly.

SB 29 (Correa), Chapter 618, Statutes of 2014, extended the deadline for an elections official to submit the certified statement of the results of the election to the governing body within 30 days of the election.

AB 1490 (Galgiani), Chapter 149, Statutes of 2009, reduced the deadline that election officials have to send to the SOS in electronic format one complete copy of the specified election results from within 35 days to 31 days of the election. AB 1490 also reduced the deadline for the SOS to prepare, certify, and file a statement of the vote from the compiled results from no later than the 39th day to the 38th day after the election.

### **POSITIONS**

**Sponsor:** Author

**Support:** Shasta County Board of Supervisors  
One individual

**Oppose:** American Civil Liberties Union California Action  
Asian Law Caucus

League of Women Voters of California

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