

- a) Circulating an initiative, referendum, recall, or nomination petition or any other petition.
 - b) Soliciting a vote or speak to a voter on the subject of marking the voter's ballot.
 - c) Placing a sign relating to voters' qualifications or speaking to a voter on the subject of the voter's qualifications, except as provided in existing law.
 - d) Displaying a candidate's name, likeness, or logo.
 - e) Displaying a ballot measure's number, title, subject, or logo.
 - f) Wearing or using buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information.
 - g) Disseminating audible electioneering information.
 - h) Obstructing access to, loitering near, or disseminating visible or audible electioneering information at VBM ballot drop boxes.
- 7) Prohibits a candidate or representative of a candidate, and a proponent, opponent, or representative of a proponent or opponent, of an initiative, referendum, or recall measure, or of a charter amendment, from soliciting the vote of a VBM voter, or from doing any electioneering, while in the residence or in the immediate presence of the voter, and during the time the person knows the VBM voter is voting.
- 8) Provides that any person in violation of 6) or 7) is guilty of a misdemeanor.
- 9) Requires the polls to remain open if voters are in the polling location or are in line at the door, but have not been able to cast their vote. If the time for closing the polls is extended pursuant to a court order, all votes cast during the time that the polling location is extended must be by provisional ballot. Any provisional ballots cast must be separated and held apart from other provisional ballots cast by voters prior to the time the closing of the polls was extended.

This bill:

- 1) Provides, for any regular or special election, beginning with the November 3, 2026, statewide general election and through elections held or proclaimed in 2029, the following:
 - a) At least two VBM ballot drop-off locations within the county or at least one VBM ballot drop-off location for every 11,250 registered voters, whichever results in more VBM ballot drop-off locations. A county with fewer than 11,250 registered voters must provide at least one VBM ballot drop-off location.
 - b) All VBM ballot drop-off locations must be open, at a minimum, during regular business hours beginning not less than 30 days before Election Day and continuing through and including Election Day.

- c) A VBM ballot is timely cast if it is received by the voter's elections official via USPS or a bona fide private mail delivery company no later than 10 days after Election Day if either the ballot is postmarked or timestamped on or before Election Day or, if postmarking information is not available, the ballot is date stamped by the elections official on or before Election Day.
 - d) A prohibition for federal, state, or local law enforcement officers from arresting any person within 200 feet of a polling location on Election Day, except for crimes related to disrupting the operation of the polling location, a violent or serious felony specified in the Penal Code, or larceny.
 - e) An extension of the electioneering prohibition from 100 feet to 200 feet from either the entrance of a building that contains a polling place, an elections official's office, or a satellite location or any outdoor site at which a voter may cast or drop off a ballot.
 - f) A county elections official may extend the time for closing of a polling location if the county elections official determines that voting was disrupted as a result of d) or e). All votes cast during any extension of polling place hours must be by provisional ballots.
- 2) Provides the provisions of this bill remain in effect until January 1, 2030.
- 3) Contains an urgency clause to take effect immediately.

BACKGROUND

Vote by Mail Drop-off Locations. For the November 5, 2024, presidential general election, counties conducted elections using one of three models: vote centers, polling places, or all-mail. Each election model provides a different set of services for voters. For VBM ballots drop-off locations, counties using the vote center model needed to provide at least two VBM ballot drop-off locations or one VBM ballot drop-off location for every 15,000 registered voters, whichever resulted in more locations. For counties using the polling place or all-mail model, at least two VBM ballot drop-off locations or one VBM ballot drop-off location for every 30,000 registered voters, whichever resulted in more locations. All VBM ballot drop-off locations needed to be open 28 days prior to and through Election Day.

According to data from the Secretary of State's office, 29 counties used the vote center model, 25 counties used the polling place model, and four counties used the all-mail model. In total, there were 1,968 VBM ballot drop-off locations throughout California.

This bill would modify the minimum threshold used for determining the number of VBM ballot drop-off locations to at least two VBM ballot drop-off locations within the county or at least one VBM ballot drop-off location for every 11,250 registered voters, whichever results in more VBM ballot drop-off locations. This would result in an increase in the number of VBM ballot drop-off locations throughout the state.

Vote By Mail Statistics. 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%

of California voters vote by mail. For the 2024 presidential general election, 80.76% of California voters voted by mail. For the 2025 statewide special election, 88.89% of California voters voted by mail.

Vote By Mail Ballot Rejections. A number of VBM ballots are rejected at every election for various reasons. A rejected ballot is a ballot 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. For the 2024 presidential general election, 33,016 ballots of the 122,480 total number of rejected ballots were rejected because the VBM ballot was not received on time.

Electioneering. The earliest reference to a 100-foot electioneering prohibition dates back to at least 1891 where the Political Code stated, "No officer of election, nor any person, shall do any electioneering on election day within one hundred feet of any polling place." The Political Code (which later became the Elections Code) from 1891 also stated, "No person shall solicit a vote or speak to a voter on the subject of marking his ticket within one hundred feet of the polling place." It should be noted that where the 100-foot prohibition is measured from has changed over time, but the actual number, 100 feet, has remained generally the same with some exceptions.

SB 35 (Umberg and McGuire), Chapter 318, Statutes of 2021, among other provisions, modified the distance prohibiting electioneering and other prescribed political activities to within the 100 feet from the entrance of a building that contains a polling location, an elections official's office, a satellite location, or from an outdoor voting area where a voter may cast their ballot or drop off a ballot. Prior to the bill, the electioneering prohibition zone extended from the voting room instead of the building.

Federal Interference in California's Elections. In 2025, SB 851 (Cervantes), Chapter 238, Statutes of 2025, sought to address potential federal inference in California's elections. Among the provisions of the bill, it expanded the prohibition for a person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, to be stationed in the immediate vicinity of, or posted at, a polling location to include an officer or agent of a federal law enforcement agency, unless certain conditions are met. The author sought to "ensure that federal agents are treated the same way as state and local law enforcement so that it is a crime to hire or arrange for law enforcement to be posted at or near a voting location or county registrar's office without authorization."

COMMENTS

- 1) Author's Statement. California has both the constitutional right and responsibility to run our own safe and secure elections, and the state intends to do exactly that. In the interest of protecting this fundamental right and ensuring voters feel safe participating in our democracy, no law enforcement presence, including state or local, should be permitted near voting areas unless necessary to address an

imminent threat of bodily harm. This bill will protect our voters, defend local control, and uphold our democracy regardless of whether the federal government chooses to respect those principles.

- 2) Election Administration. If chaptered, this bill would take effect immediately. Election officials will have a limited amount of time and resources to purchase new equipment (i.e., VBM ballot drop-off boxes), secure locations for this new equipment as well as securing new early voting sites, and find election workers to collect ballots at these additional VBM ballot drop-off locations. In order to implement many of the provisions of this bill, it will require an extensive amount of time and coordination. Following an election, including after this bill sunsets in 2030, election officials will need to ensure the security and maintenance of fixed VBM ballot drop-off boxes and have the necessary storage space for nonfixed VBM ballot drop-off boxes.
- 3) Postmarks and Delivery. This bill extends the VBM ballot receipt deadline from seven to 10 days after Election Day, if it was postmarked by Election Day. If the author intends for this to address potential postmarking delays with the USPS, extending the deadline to receive VBM ballots will not solve the postmark issue. The central issue is the act of timely postmarking a VBM ballot and not necessarily on the delivery of a VBM ballot to an elections official.
- 4) Crimes within 200 Feet of a Polling Place. This bill prohibits a federal, state, or local law enforcement officer from arresting any person within 200 feet of a polling place on Election Day, except for a crime related to disrupting the operation of the polling place, a violent or serious felony, or larceny. In other words, if a crime occurs near a polling place and does not disrupt with election administration on Election Day nor is one of the specified violent or serious felonies in the Penal Code, the person committing a crime is not arrested. The distance from a polling place is also not linear and is more like a sphere that travels in any direction, such as in the building next to the polling location.

The committee should consider whether this provision should be narrowed, if the actual distance should remain to be 200 feet from a polling place, if it should be only on Election Day, and if it should apply to the entrance of the building of a polling location or an outdoor site similar to electioneering prohibitions. The committee should also consider an approach that covers all, or almost all crimes, instead of specifically listing specific crimes where a person could be arrested within 200 feet of a polling place.

- 5) Electioneering Distance. Under existing law, electioneering cannot occur within 100 feet of a polling location. This bill extends this perimeter to 200 feet. Similar to the previous comment, the 200-foot zone travels in every direction and may make it difficult to enforce in densely-populated areas with a polling location. The committee should consider the necessity of the 200-foot electioneering zone and how prohibited activities within the perimeter would be enforced. The committee could also consider various alternatives, such as making the extension from 100 to 200 feet permissive and at the discretion of the elections official but, if extended, uniform throughout the jurisdiction.

- 6) Argument in Support. In a letter supporting this bill, the California Federation of Labor Unions, AFL-CIO, states, in part, the following:

...growing concerns about possible election interference and voter intimidation in state elections threaten to undermine voter confidence and suppress turnout, particularly in immigrant and minority communities. SB 884 builds on existing protections by expanding the buffer zone around polling places and ballot processing sites to prohibit both electioneering and federal immigration enforcement within 200 feet of those locations... These reforms provide counties with needed flexibility and help to ensure that every eligible vote is counted.

SB 884 is a necessary step to preserve California's commitment to free, fair, and secure elections by ensuring that voters can cast their ballots without fear or intimidation.

- 7) Argument in Opposition. In a letter opposing this bill, the California Association of Clerks and Election Officials notes the increase in the number of VBM ballot drop-off locations "introduces further financial and administrative burdens, particularly in jurisdictions already challenged by staffing shortages, long routes for servicing drop boxes, or limited secure public facilities."

Other provisions in the bill also "raise significant concerns related to safety, clarity, and practical administration" and is as follows:

Expanding the electioneering boundary from 100 to 200 feet invites confusion and potential conflict while leaving unclear which entity would be responsible for enforcement. A 200-foot boundary will, in most cases, extend past the boundary of the property where a vote center is sited; requiring negotiation with surrounding property owners to post signs. The provisions restricting law-enforcement presence near voting locations may unintentionally compromise the ability of law enforcement to respond swiftly and appropriately to safety risks that would interfere with voting. Additionally, placing responsibility on county elections officials to make real-time judgments on extending polling hours during disruptions introduces uncertainty and risk for voters and election workers alike.

- 8) Double Referral. If approved by this committee, this bill will be referred to the Committee on Judiciary for further consideration.

RELATED/PRIOR LEGISLATION

AB 5 (Berman), Chapter 250, Statutes of 2025, required county election officials to report vote totals for all ballots, except specified types of ballots that require special processing, by the 13th day after the election. These exceptions included 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. The elections official may also file a notice of extension with the Secretary of State and include the reason for the extension.

SB 851 (Cervantes), Chapter 238, Statutes of 2025, among other provisions, expanded the prohibition for a person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, to be stationed in the immediate vicinity of, or posted at, a polling location to include an officer or agent of a federal law enforcement agency, unless certain conditions are met.

SB 35 (Umberg and McGuire), Chapter 318, Statutes of 2021, among other provisions, modified the distance prohibiting electioneering and other prescribed political activities to within the 100 feet from the entrance of a building that contains a polling location, an elections official's office, a satellite location, or from an outdoor voting area where a voter may cast their ballot or drop off a ballot.

POSITIONS

Sponsor: Author

Support: Fiona Ma, CPA, California State Treasurer
California Federation of Labor Unions, AFL-CIO
California School Employees Association, AFL-CIO
Disability Rights California
Latino Community Foundation
UnidosUS
1 individual

Oppose: California Association of Clerks and Election Officials
9 individuals

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