

California Secretary of State
Proposed Regulatory Action:
Vote-by-Mail Ballot Drop Boxes and Vote-by-Mail Drop-Off Locations
Proposed Regulation Text (Changes to Emergency Regulations)
Addendum to the Initial Statement of Reasons

The factual basis and rationale of the following sections of the proposed regulations are modified as follows:

These comments address updates to the Proposed Regulation Text, which was submitted for a 45-day public comment on March 12, 2021, and for which a public hearing was held on April 26, 2021, and subsequent 15-day public notice on May 12, 2021.

20136. Drop-off Location and Drop Box Hours. Public Notification. Collection Times.

Subdivision (c) – In this subdivision, we have removed the language that says, “29th day prior to the election” and added the language that says, “day the elections official begins mailing vote-by-mail ballots.” On February 19, 2021, the Governor signed into law Senate Bill (SB) 29. Among other changes, SB 29 amended Elections Code section 3000.5 to require elections officials to “...no later than 29 days before the day of the election, begin mailing the materials specified in Section 3010 to every registered voter in the county” Under the existing regulations, county elections officials were to ensure that vote-by-mail drop boxes were made unavailable until the 29th day before the election. When the regulations were drafted, the 29th day before the election was the first day that elections officials could begin mailing vote-by-mail ballots to their voters. Now, under Section 3000.5, county elections officials may begin mailing vote-by-mail ballots when they are ready and do not have to wait until the 29th day before the election. Rather, they must begin mailing no later than the 29th day before the election. If elections officials were to follow the existing regulations and not make their vote-by-mail drop boxes available until the 29th day before the election, then some voters may not be able to deposit their voted ballot when they are ready to do so. This proposed change to this subdivision will provide voters with the ability to vote their vote-by-mail ballot and deposit that ballot into a vote-by-mail drop box as soon as they wish. This change is necessary to ensure that vote-by-mail drop boxes are available for use by voters when the county elections officials begin delivering vote-by-mail ballots.