



## Demystifying the Mysterious: California's Election Laws

### Part 6: Extended Deadlines - Inclusion or Death Knell for Election Integrity?

California's legislature has included significant deadline extensions in recent legislation. As usual, such actions are justified as an effort to ensure more "access", avoid disenfranchisement, and enhance "inclusivity".

All of these are wonderful goals. **Every eligible citizen deserves an unimpeded path to registration and voting.**

**But there is a difference between an impediment and a logical protection against election fraud and manipulation.  
California has completely ignored the difference.**

Let us examine three different examples. This article will simply give you the facts. We ask you to take some time to reflect on these three examples and consider the negative implications of such legislation.

In subsequent articles, we will expound on each of these and the potential damage we see to election integrity in general as a result.

#### 1. California's "curing" process.

Historically, if a voter failed to sign the return envelope on a mail-in ballot, or if elections officials determined that the signature provided did not compare adequately with the signature(s) in the voter's file, the envelope remained unopened and the ballot was not counted.

As of the passage of AB 477 in 2015, when a voter fails to sign the return envelope before mailing or submitting the vote by mail ballot, elections officials must contact the voter, who then has an opportunity to "cure" the mistake by signing a form requesting the mistake be corrected.

As of the passage of SB 759 in 2018, when signature verifiers reject a provided signature as potentially not authentic, the same curing process is followed.

**Originally the entire curing transaction  
had to be completed within eight days after Election Day**

Further legislation (SB 523 - 2019) extended the curing period to **2 days** before certification, **28 days AFTER Election Day.**

## 2. After Election Day ballot acceptance

Originally, California mandated that vote by mail ballots be in the hands of elections officials by 8:00 p.m. on Election Day, a deadline that coincided with the close of the polls.

Starting in 2014, California extended a 3-day grace period (SB 29) under the justification that people are used to equating “due date” with “postmarked by” when paying bills and doing other business, and should be afforded the same assumption with respect to mail-in ballots.

In 2020, suggesting that somehow the COVID virus would slow the mail, California implemented a one-year **17-day grace period** (AB 860). Ballots arriving 17 (seventeen) days after Election Day were accepted and processed!

By 2021, the legislature, completing the Overton Window move, shrank that grace period to a permanent 7 days (AB 37). This decision was not accompanied by any justification as to why granting that much extra time could be legitimate.

It is true that the wording of the laws cited above requires the ballots to be postmarked by Election Day. But the law goes on to say that if the postmark is illegible or missing, then acceptance must be determined by the date written next to the signature **by the voter**.

## 3. Same Day Registration

The deadline for registering to vote before any election has traditionally been 15 days before Election Day.

In 2019, Conditional Voter Registration (CVR), otherwise known as Same Day Registration, was authorized (SB 72). Conditional registrants were to submit their ballot in a Conditional envelope that would remain unopened until the registrant’s eligibility could be verified.

Also, in 2019 (AB 693), Conditional registrants were authorized to submit a non-provisional ballot (no envelope) if it could be determined they were not currently on the statewide voter database, VoteCal.

The CVR process was extended to allow “same day” change of name, address or party affiliation in an urgency bill (SB 207—2020), passed half-way through the poll worker training period for the 2020 Presidential Primary. The details of implementation were left up to county election officials, who were caught off guard in the middle of their busiest time. They were on their own to figure out how to make this happen, and how to get the information to poll workers who had already completed their training.

## Food for thought as you contemplate the impact of these bills:

- Grace and forgiveness are beautiful things, but so are personal responsibility and common-sense regulations that ensure integrity in any system.
- Where should the line be drawn, and has California blurred or completely obliterated that line?
- Do these bills enhance “accessibility” at the expense of election integrity, and if so, is it worth it?
- Think about it - we’ll “circle back” soon.