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County Clerk/Registrar of Voters (CC/ROV) Memorandum #25181

TO: All County Clerks/Registrars of Voters

FROM: /s/ Rachelle Delucchi
Elections Counsel

RE: Elections: Implementation of Assembly Bill 1249

Assembly Bill (AB) 1249 (Ch. 296, Stats. of 2025) was signed into law by Governor Newsom and will be effective January 1, 2026. Namely, AB 1249 adds Elections Code section 3016.3 which will require non-VCA counties to provide at least one early voting location on the Saturday before Election Day and amends Section 3016.5 which relates to in-person voting with vote-by-mail (VBM) ballots.

AB 1249 also amends Sections 319.5, 18370, 18502, 18540, 18541, and repeals Section 3018. This memorandum will cover Sections 3016.3 and 3016.5.

Early Voting and Saturday Voting Location for non-VCA Counties

Beginning no later than 29 days before the election, any voter using a VBM ballot may vote the ballot at the elections official's office or a satellite location any time before the polls close on Election Day. The voter shall vote the ballot either in the presence of an officer of the elections official or in a voting booth, as determined by the elections official, but in no case may their vote be observed. (Elec. Code, § 3016.3(a).)

For a statewide election, a non-VCA county shall provide at least one early voting location on the Saturday before Election Day (E-3) that is open for a minimum of six hours. (Elec. Code, § 3016.3(b).)

To carry out subdivisions (a) and (b), the elections official shall do all of the following:

- Provide at least one voting unit that is certified or conditionally approved by the Secretary of State to allow voters with disabilities the access required under the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et

seq.).

- Permit a voter to vote their VBM ballot in accordance with Section 3016.5.
- Provide notice of any satellite location no later than two weeks before voting may occur at the satellite location.

For a Saturday early voting location (referenced in subdivision (b)), the elections official shall also permit a voter to do all the following:

- Return their VBM ballot.
- Register to vote, update their voter registration, and vote pursuant to Section 2170.
- Receive and vote a provisional ballot under Section 3016 or 14310 et seq.
- Receive a replacement ballot once it is verified that the county elections official has not already received a ballot for that election from the voter. If the county elections official cannot determine whether a ballot has been received from the voter, the county elections official may issue a provisional ballot.
- Vote a regular, provisional, or replacement ballot using accessible voting equipment that provides for a private and independent voting experience.

(Elec. Code, § 3016.3(c).)

In-Person Voting of Vote-by-Mail Ballots

A voter may vote their VBM ballot, without the ballot identification envelope, in person at the office of the county elections official, a satellite location, the polling place designated for the voter's home precinct, or a vote center, if all of the following conditions are met:

- The county elections official or their staff, including any staff managing a satellite location, a precinct board, or a vote center election board, as applicable, has real-time access to the county elections official's election management system (EMS), and does both of the following:
 - Verifies that the voter has not returned a VBM ballot for that election, and
 - Changes the status of the voter in the EMS from a VBM voter to an in-person voter.
- After the voter's status has been changed, the voter provides their name, address, and signature pursuant to Section 14216.
- The county elections official has established procedures to ensure that a voter who casts a ballot pursuant to this method does not submit more than one VBM ballot without the ballot identification envelope, and the precinct board or vote center election board complies with those procedures.

(Elec. Code, § 3016.5(a).)

A ballot cast pursuant to this method shall be processed and counted in the same manner as a nonprovisional ballot cast in person at the polling place or vote center. (Elec. Code, § 3016.5(b).)

The elections official shall provide notice of any satellite location no later than two weeks before voting may occur at the satellite location. (Elec. Code, § 3016.5(c).)

Further Information

The text of AB 1249 can be found at:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB1249

If you have any questions, please contact Rachelle Delucchi at rdelucch@sos.ca.gov or Robbie Anderson at aanderso@sos.ca.

Thank you.