

# ELECTIONS OFFICERS DIGEST ★

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# 2022 Elections Officers Digest

## Table of Contents

<b>I. Introduction .....</b>	<b>1</b>
<b>II. Precinct Boards and Elections Officers Summary .....</b>	<b>6</b>
1. Precinct Board. ....	6
2. Appointment of Precinct Board. ....	7
3. Instruction of Inspectors. ....	8
4. Miscellaneous. ....	9
<b>III. Duties of Elections Officers Before Opening Polls Summary .....</b>	<b>10</b>
1. Polling Place. ....	11
2. Identification of Polling Places and Precinct Board Members. ....	11
3. Declarations Required of Precinct Board Members. ....	12
4. Documentation Furnished by Elections Official to Precinct Board. ....	13
5. Election Supplies. ....	13
6. Ballots. ....	15
7. Materials to Post. ....	17
8. Roster. ....	19
<b>IV. Election Day Summary .....</b>	<b>21</b>
1. Opening of the Polls. ....	23
2. Regulations at Polls. ....	23
3. Voting. ....	24
4. Voter's Name Not on Roster. ....	28
5. Challenge. ....	29
6. Receiving and Marking Ballots. ....	33
7. Vote-By-Mail and Military or Overseas Voters Voting. ....	38
8. Services Available at a Vote Center. ....	411
9. Retrieval of Ballots Prior to the Closing of the Polls. ....	411
10. Closing the Polls. ....	422
<b>V. Canvassing the Vote Summary .....</b>	<b>455</b>
1. Return and Counting Centers. ....	466

2.	Vote Count in the Precinct.....	46
3.	Return of Supplies and Records. ....	511
4.	Snap Tallies.....	522
5.	Canvass at Central Place.....	522
<b>VI.</b>	<b>Voting Systems Summary .....</b>	<b>544</b>
1.	General Provisions.....	555
2.	Closing the Polls. ....	566
3.	Counting Procedure. ....	566
<b>VII.</b>	<b>Penalty Provisions .....</b>	<b>588</b>
<b>VIII.</b>	<b>Elections Code Sections Only Affecting Certain Counties.....</b>	<b>678</b>
<b>IX.</b>	<b>INDEX .....</b>	<b>IX-1</b>

## I. Introduction

This Digest outlines the duties of precinct officers during the casting and canvassing of the vote, and is compiled from the California Elections Code. All citations to sections, unless otherwise noted, are to sections of the Elections Code. The abbreviation "Cal. Const." refers to the California Constitution. The statutes set forth in this Digest may not be set forth in full, as only the sections pertinent to the duties of precinct officers during the casting and the canvassing of the vote are included. (See § 14101.) For the full language of the statutes, refer to the Elections Code. A complete copy of the Elections Code, and any other California statutes cited, can be found at <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

Selected words and phrases used in this Digest are defined in the Elections Code as follows:

§ 8. As used in the Elections Code, the present tense includes the past and future tenses, and the future the present; the masculine gender includes the feminine; and the singular includes the plural, and the plural, the singular.

§ 303.4. "Ballot on demand system" means a self-contained system that allows users to do both of the following on an as-needed basis:

- (a) Manufacture and finish card stock.
- (b) Finish unfinished ballot cards into ballot cards.

§ 307. "Clerk" means the county elections official, registrar of voters, city clerk, or other officer or board charged with the duty of conducting any election.

§ 313. "County office" means the office filled by any county officer.

§ 314. "County officer" means any elected officer enumerated in Division 2 (commencing with Section 24000) of Title 3 of the Government Code.

§ 316. "Direct primary" is the primary election held on the first Tuesday after the first Monday in June in each even-numbered year that is not evenly divisible by four and on the first Tuesday after the first Monday in March in each even-numbered year that is evenly divisible by four.

§ 318. "Election" means any election including a primary that is provided for under the Elections Code.

§ 319. "Election board" means the board of supervisors of each county, the city council or other governing body of a city, or any board or officer to whom similar powers and duties are given by any charter.

§ 319.5. (a) "Electioneering" means the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot within the 100 foot limit specified in subdivision (b). Prohibited electioneering information or activity includes, but is not limited to, any of the following:

- (1) A display of a candidate's name, likeness, or logo.
  - (2) A display of a ballot measure's number, title, subject, or logo.
  - (3) Buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information.
  - (4) Dissemination of audible electioneering information.
  - (5) Obstructing access to, loitering near, or disseminating visible or audible electioneering information at vote by mail ballot drop boxes.
- (b) The activities described in subdivision (a) are prohibited within 100 feet of either of the following:
- (1) The entrance to a building that contains a polling place as defined by Section 338.5, an elections official's office, or a satellite location specified in Section 3018.
  - (2) An outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot.

§ 320. "Elections official" means any of the following:

- (a) A clerk or any person who is charged with the duty of conducting an election.

- (b) A county clerk, city clerk, registrar of voters, or elections supervisor having jurisdiction over elections within any county, city, or district within the state.

§ 321. (a) "Elector" means any person who is a United States citizen 18 years of age or older and, except as specified in subdivision (b), is a resident of an election precinct in this state on or before the day of an election.

- (b) "Elector" also means a person described in paragraph (2) of subdivision (b) of Section 300, who, except for the residence requirement specified in subdivision (a), is eligible to vote in this state and meets either of the following conditions:
  - (1) The person was a resident of this state when the person was last living within the territorial limits of the United States or the District of Columbia.
  - (2) The person was born outside of the United States or the District of Columbia, their parent or legal guardian was a resident of this state when the parent or legal guardian was last living within the territorial limits of the United States or the District of Columbia, and the person has not previously registered to vote in any other state.
- (c) Each person qualifying as an elector under subdivision (b) shall be deemed to be a resident of this state for purposes of the Elections Code and Section 2 of Article II of the California Constitution.

§ 324. (a) "General election" means either of the following:

- (1) The election held throughout the state on the first Tuesday after the first Monday of November in each even-numbered year.
  - (2) Any statewide election held on a regular election date as specified in Section 1000.
- (b) At each general election there shall be elected to the Congress of the United States:
- (1) One Representative for each congressional district.
  - (2) One Senator, when the general election immediately precedes the commencement of a full term.

§ 325. "Inspector" means the supervisor of the precinct board of which they are a member.

§ 326. "Judicial office" means the office filled by any judicial officer.

§ 327. "Judicial officer" means any Justice of the Supreme Court, justice of a court of appeal, or judge of the superior court.

§ 328. "Local election" is a municipal, county, or district election.

§ 329. "Measure" means any constitutional amendment or other proposition submitted to a popular vote at any election.

§ 300. (b) "Military or overseas voter" means an elector absent from the county in which the person is otherwise eligible to vote who is any of the following:

- (1) A member of the active or reserve components of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; a Merchant Marine; a member of the United States Public Health Service Commissioned Corps; a member of the National Oceanic and Atmospheric Administration Commissioned Corps of the United States; or a member on activated status of the National Guard or state militia.
- (2) A citizen of the United States living outside of the territorial limits of the United States or the District of Columbia.
- (3) A spouse or dependent of a person described in paragraph(1).

§ 331. "New citizen" means any person who meets all requirements of an elector of, and has established residency in, the state, except that they will become a United States citizen after the 15th day prior to an election.

§ 334. "Nonpartisan office" means an office, except for a voter-nominated office, for which no party may nominate a candidate. Judicial, school, county, and municipal offices, including the Superintendent of Public Instruction, are nonpartisan offices.

§ 337. "Partisan office" or "party nominated office" means any of the following offices:

- (a) President of the United States, Vice President of the United States, and the delegates therefor.
- (b) Elected member of a party committee.

§ 338. "Party" means a political party or organization that has qualified for participation in any primary or presidential general election.

§ 338.5. "Polling place" means a location where a voter casts a ballot and includes the following terms, as applicable: poll, polling location, and vote center. A polling place can serve more than one precinct.

§ 338.6. "Precinct" means a geographical area within a county that is made up of voters and is formed pursuant to Chapter 3 (commencing with Section 12200) of Division 12. All voters from the same precinct are assigned to a specific polling place for an election. In an election conducted using vote centers, eligible voters from any precinct within the county can use any vote center located within the county.

- § 339. (a) "Precinct board" is the board appointed by the elections official to serve at a single precinct or a consolidated precinct. In an election conducted using vote centers, "precinct board" means the board appointed by the elections official to serve at a vote center.
- (b) "Precinct board," when used in relation to proceedings taking place after the polls have closed, likewise includes any substitutive canvassing and counting board that may have been appointed to take the place of the board theretofore serving.
- (c) "Precinct board member" is a member of the precinct board and includes an election officer.

§ 340. "Presidential primary" is the primary election that is held on the first Tuesday after the first Monday in March of any year that is evenly divisible by four.

§ 341. "Primary election" includes all primary nominating elections provided for by the Elections Code.

§ 344. "Punchcard" means a tabulating card on which the voter may record their vote by punching, marking, or slotting.

§ 345. "Punching" includes marking a ballot card to record a vote.

§ 346. A "rebuttable presumption" is a presumption that affects the burden of producing evidence.

§ 348. "Regular election" is an election, the specific time for the holding of which is prescribed by law.

§ 303.3. "Remote accessible vote-by-mail system" means a mechanical, electromechanical, or electronic system and its software that is used for the sole purpose of marking an electronic vote-by-mail ballot for a voter with disabilities or a military or overseas voter who shall print the paper cast vote record to be submitted to the elections official. A remote accessible vote-by-mail system shall not be connected to a voting system at any time.

§ 349.5. "Roster" means the official list of voters for an election, which may be in paper or electronic form. The roster becomes the official list of voters who have voted in the election once signed by the voter or marked by the elections official.

§ 351. "School office" means the office filled by any school officer.

§ 352. "School officer" means the Superintendent of Public Instruction and the superintendent of schools of a county.

§ 353. "Section" means a section of the Elections Code unless some other statute is specifically mentioned.

§ 354. "Shall" is mandatory and "may" is permissive.

§ 354.5. (a) "Signature" includes either of the following:

- (1) A person's mark if the name of the person affixing the mark is written near the mark by a witness over 18 years of age designated by the person and the designee subscribes their own name as a witness thereto. For purposes of this paragraph, a signature stamp may be used as a mark, provided that the authorized user complies with the provisions of this paragraph.
  - (2) An impression made by the use of a signature stamp pursuant to the requirements specified in subdivision (c).
- (b) A mark attested as provided in paragraph (1) of subdivision (a), or an impression made by a signature stamp as provided in paragraph (2) of subdivision (a), may serve as a signature for any purpose specified in the Elections Code, including a sworn statement.
- (c) An authorized user of a signature stamp may use it to affix a signature to a document or writing any time that a signature is required by the Elections Code, provided that all of the following conditions, as applicable, are met:
- (1) A signature stamp used to obtain a ballot or vote-by-mail ballot in any local, state, or federal election shall be used only by the authorized user of that signature stamp.
  - (2) A signature stamp shall be affixed by the authorized user in the presence of the Secretary of State, their designee, the local elections official, or their designee, to obtain a ballot, in any local, state, or federal election unless the authorized user of the signature stamp votes by vote-by-mail ballot. If the owner of a signature stamp votes by vote-by-mail ballot, they shall affix the signature stamp on the identification envelope in accordance with Section 3019.
- (d) A signature affixed with a signature stamp by an authorized user in accordance with Section 354.5 shall be treated in the same manner as a signature made in writing.
- (e) A registered voter or any person who is eligible to vote, who qualifies as an authorized user pursuant to paragraph (1) of subdivision (f), may use a signature stamp only after they first submit their affidavit of registration or a new affidavit of registration by one of the following means:
- (1) Using the signature stamp to sign the affidavit in the presence of a county elections official.
  - (2) Submitting an affidavit pursuant to Section 2196 that utilizes a signature stamp that has been approved by the Department of Motor Vehicles and transmitted to the Secretary of State.
- (f) The following definitions apply for purposes of Section 354.5:
- (1) "Authorized user" means either of the following:
    - (A) A person with a disability who, by reason of that disability, is unable to write and who owns a signature stamp.
    - (B) A person using the signature stamp on behalf of the owner of the stamp with the owner's express consent and in the presence of the owner.
  - (2) "Disability" means a medical condition, mental disability, or physical disability, as those terms are defined in subdivisions (i), (j), and (l) of Section 12926 of the Government Code.
  - (3) "Signature stamp" means a stamp that contains the impression of any of the following:
    - (A) The actual signature of a person with a disability.
    - (B) A mark or symbol that is adopted by the person with the disability.
    - (C) A signature of the name of a person with a disability that is made by another person and is adopted by the person with the disability.

§ 356. "Special election" is an election, the specific time for the holding of which is not prescribed by law.

§ 357. "Statewide election" is an election held throughout the state.

§ 3025. (a)(1) "Vote-by-mail ballot drop box" means a secure receptacle established by a county or city and county elections official whereby a voted vote-by-mail ballot may be returned to the elections official from whom it was obtained.

§ 3025. (a)(2) "Vote-by-mail ballot drop-off location" means a location consisting of a secured vote-by-mail ballot drop box at which a voted vote-by mail-ballot may be returned to the elections official from whom it was obtained.

§ 300. (a) "Vote-by-mail voter" means any voter casting a ballot in any way other than at the polling place.

§ 357.5. "Vote center" means a location established for holding elections that offers the services described in Sections 2170, 4005, and 4007.

§ 358. "Vote tabulating device" means any piece of equipment, other than a voting machine, that compiles a total of votes cast by means of ballot card sorting, ballot card reading, paper ballot scanning, electronic data processing, or a combination of that type of equipment.

§ 359. "Voter" means any elector who is registered under the Elections Code.

§ 359.2. "Voter list" means the list of registered voters in a single or consolidated precinct or in an entire county. The voter list may be in the form of a walking list, street index list, or other format, as provided by the elections official. The voter list is updated by the elections official with public information related to who has voted in an election.

§ 360. "Voting device" means any device used in conjunction with a ballot card or cards to indicate the choice of the voter by marking, punching, or slotting the ballot card.

§ 361. "Voting machine" means any electronic device, including, but not limited to, a precinct optical scanner and a direct recording voting system, into which a voter may enter their votes, and which, by means of electronic tabulation and generation of printouts or other tangible, human-readable records, furnishes a total of the number of votes cast for each candidate and for or against each measure.

§ 362. "Voting system" means a mechanical, electromechanical, or electronic system and its software, or any combination of these used for casting a ballot, tabulating votes, or both. "Voting system" does not include a remote accessible vote-by-mail system.



## II. Precinct Boards and Elections Officers

### Summary

This chapter outlines the composition of precinct boards and the appointment of members to these boards (sometimes referred to as "election officers") for the various elections held.

Precinct boards appointed for each precinct are made up of voters of the state. A member of the precinct board may serve only in the precinct for which their appointment was received. (§ 12302(a).) High school students 16 years of age and over and legal permanent residents who meet specified requirements may also serve. (§ 12302(b), (c).) The composition of the precinct board shall be determined by the elections official based on election precinct size. The precinct board shall consist of a minimum of one inspector and two clerks. Additional clerks may be allocated in proportion to the number of registered voters within the precinct. (§ 12304(a).)

The members of the precinct boards are to be appointed by the elections official in charge of the election at least than 29 days prior to the election. (§ 12286(a).) (This provision does not apply to elections conducted using vote centers (§ 12286(d).) In constituting precinct boards, the elections official may excuse persons appointed whom the elections official is satisfied ought to be excused. Substitutions may be made when any person appointed is excused or found disqualified or incompetent, until a final or amended list of election officers is sent to the inspector for that precinct. (§ 12316.) If the precinct board members for any precinct have not been appointed or cannot serve, or the polling place has not been designated prior to an election, the county elections official shall, by written order, immediately appoint the precinct board members or designate the polling place for the precinct, as the case may require, and shall notify each precinct board member of the appointment. (§ 12327(a).) If, at this time, the elections official cannot make suitable arrangements for a polling place in any precinct in which none has been designated, the elections official may designate a polling place in any contiguous precinct. Any precinct board member serving in this polling place shall be regarded as serving in the proper precinct. (§ 12327(b).)

Each member of a precinct board shall receive compensation from the governing body of the jurisdiction. This sum shall be paid out of the treasury of the jurisdiction in which the election is held. The inspector may receive more compensation than the other members of the precinct board. The additional compensation to the inspector is for services rendered in securing precinct board members and other duties, which may be directed by the elections official. (§ 12310.)

#### 1. Precinct Board.

##### Election Officers Constitute Precinct Board

The persons appointed to serve as election officers for each precinct at any election shall constitute the precinct board for that precinct. (§ 12301.)

##### Precinct Board Member

A member of a precinct board shall be a voter of the state, except as provided below. The member may serve only in the precinct for which their appointment is received. (§ 12302(a).)

In order to provide for a greater awareness of the elections process, the rights and responsibilities of voters, and the importance of participating in the electoral process, as well as to provide additional members of precinct boards, an elections official may appoint not more than five pupils per precinct to serve under the direct supervision of precinct board members designated by the elections official. A pupil may be appointed, notwithstanding their lack of eligibility to vote, subject to the approval of the governing board of the educational institution in which the pupil is enrolled, if the pupil possesses the following qualifications (§ 12302(b)(1)):

- (1) Is at least 16 years of age at the time of the election for which they are serving as a member of a precinct board.
- (2) Is a United States citizen, will be a citizen at the time of the election for which the person is serving as a member of a precinct board, or is lawfully admitted for permanent residence in the United States, as defined in Section 101(a)(20) of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101(a)(20)).
- (3) Is a pupil in good standing attending a public or private secondary educational institution.
- (4) Has a grade point average of at least 2.5 on a 4.0 scale.

No pupil appointed as provided above shall be used by a precinct board to tally votes. (§ 12302(b)(2).)

In order to promote civic engagement among residents of the state and to provide additional members of precinct boards, an elections official may appoint not more than five nonvoters per precinct to serve as precinct board members. A nonvoter may be appointed, notwithstanding their lack of eligibility to vote, if the nonvoter possesses the following qualifications (§ 12302(c)(1)):

- (1) Is lawfully admitted for permanent residence in the United States, as defined in Section 101(a)(20) of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101(a)(20)).
- (2) Is otherwise eligible to register to vote pursuant to Section 2101 except for their lack of United States citizenship.

A nonvoter appointed as provided above shall not be permitted to serve as, or perform any of the duties of, the inspector of a precinct board or tally votes for the precinct board. (§ 12302(c)(2).)

#### Distribution of Duties Among Members of the Precinct Board

The members of each precinct board shall distribute the duties devolving upon the precinct board, which are in addition to their individual duties, in a manner they deem most advantageous. (§ 14210.)

#### Composition of Precinct Board - Number of Members

The composition of the precinct board shall be determined by the elections official based on election precinct size. The precinct board shall consist of a minimum of one inspector and two clerks. Additional clerk positions may be allocated in proportion to the number of registered voters within the precinct. (§ 12304(a).)

## **2. Appointment of Precinct Board.**

#### When and by Whom Appointed

The members of the several precinct boards are to be appointed at least 29 days prior to the election, by the elections official having charge or control of the election in the political subdivision in which such election is to be held. (§ 12286(a).) This provision does not apply to elections conducted using vote centers (§ 12286(d).) If the precinct board members for any precinct have not been appointed or cannot serve, the county elections official shall, by written order, immediately appoint the precinct board members and shall notify each precinct board member of such appointment. (§ 12327(a).) If, at this time, the elections official cannot make suitable arrangements for a polling place in any precinct in which none has been designated, the elections official may designate a polling place in any contiguous precinct. Any precinct board member serving in this polling place shall be regarded as serving in the proper precinct. (§ 12327(b).)

Any voter, or any nonvoter qualified to serve as a precinct board member, may file an application with the elections official for the position of precinct board member. The elections official may require the application be made on specific forms supplied by the elections official. (§ 12300.)

### Substitute Appointments

In constituting precinct boards, the elections official may excuse persons appointed who the elections official is satisfied ought to be excused. Substitutions may be made when any person appointed is excused or found disqualified or incompetent, until a final or amended list of election officers is sent to the inspector for that precinct. (§ 12316.)

### Appointed Precinct Board Member Failing to Act as Such

Any voter who has filed an application for the position of, and been appointed as a precinct board member and who, without being excused by the county elections official, knowingly fails to act as a precinct board member, is guilty of a misdemeanor punishable by a fine not to exceed \$100. (§ 18700.)

### Inspector May Appoint Replacement

The inspector may appoint a voter to replace any precinct board member who ceases to act or becomes incapacitated during the progress of an election. (§ 12314.)

### Appointment of Substitute Inspector by Precinct Board

If the inspector ceases to act, a majority of the remaining members of the precinct board may appoint a substitute. (§ 12315.)

### Procedure if Appointed Members Fail to Appear at Opening of Polls

If any member of a precinct board does not appear at the opening of the polls on the morning of an election, those voters present, including members of the board, shall appoint a voter to fill the vacancy. If none of the members appointed appears at that time, the voters of the precinct present at that time may appoint a board. (§ 12313(a).) This provision does not apply to elections conducted using vote centers. (§ 12313(b).)

### Notice of Appointments

Upon filing the list of names and addresses of those who have been appointed members of the precinct board, the elections official shall immediately mail or deliver to each voter so appointed, a notice stating the appointment and the position to which assigned, the penalty for failure to serve, and any other matter that the elections official determines. (§ 12307.)

### Appointment Notice to Inspector

The elections official shall immediately mail or deliver to each person appointed as inspector a notice showing the precinct polling place and the voters appointed to serve as election officers in that precinct. (§ 12319.)

## **3. Instruction of Inspectors.**

Following the appointment of members of precinct boards, the elections official shall instruct inspectors so appointed concerning their duties in connection with the conduct of the election, which instruction shall conform to the uniform standards adopted by the Secretary of State pursuant to Section 12309.5. (§ 12309(a).) A person may not serve as an inspector of a precinct board at an election unless instruction has been received in accordance with Section 12309 except that, in the case of the emergency disability of a regular inspector, substitute inspectors shall be given any instruction found necessary by the elections official. (§ 12309(b).) At the request of the elections official, the legislative body may contract with any qualified person or organization for purposes of instructing inspectors in accordance with Section 12309. (§ 12309(c).)

#### **4. Miscellaneous.**

##### Compensation of Precinct Board Members

Each member of a precinct board shall receive compensation from the governing body of the jurisdiction. This sum shall be paid out of the treasury of the jurisdiction in which the election is held. The inspector may receive more compensation than the other members of the precinct board. The additional compensation to the inspector is for services rendered in securing precinct board members and other duties, which may be directed by the elections official. (§ 12310.)

##### Discharge from Employment Prohibited Due to Absence

No person shall be suspended or discharged from any service or employment because of absence while serving as an election officer. (§ 12312.)

### III. Duties of Elections Officers Before Opening Polls

#### Summary

This chapter describes the duties elections officers are to complete prior to the opening of the polls. Also included in this chapter are checklists of the various materials needed at each polling location and instructions in case these materials are missing or damaged.

The polling place shall be furnished with a sufficient number of places, booths, or compartments, at or in which voters may conveniently mark their ballots, so that they may be screened from the observation of others. Each place, compartment, or booth shall be so adjusted as to conceal from any observation the voter's marking of the ballot. (§ 14110.) The polling places shall be arranged so that neither the ballot containers nor the voting booths or compartments shall be hidden from the view of those present. (§ 14211.)

If, for any valid reason, the polling place designated for any precinct cannot be used, it is the responsibility of the elections official or, in the case of an emergency, the precinct board on the day of the election, to designate another polling place and duly mail to voters or post a notice of the change at the former site. (§ 12281(a), (b).) This provision does not apply to elections conducted using vote centers. (§ 12281(c).)

Eligibility to serve as an inspector or a precinct board member depends upon signing the required declaration of intention to fulfill the assigned duties. (§ 12321(a)(1), (b).) Signing shall take place in front of a witness and is as binding as an oath of office. (§ 12321(a)(2).)

The inspector's signed declaration must be returned to the elections official at least 15 days before election day (or, for a vote center, before the first day of service). (§ 12321(a)(1), (d).) The county elections official may instead require the inspector to sign their declaration before entering upon the performance of duties. (§ 12321(d).) The precinct board members must sign their declarations before entering upon the performance of duties. (§ 12321(b).)

Before every county-wide election, the county elections official shall deliver to each precinct board various documents and supplies that must be present at the polling place. This will include at least one printed or electronic copy of the roster for that polling place, with canceled names lined out and with any necessary supplements to bring the roster up to date. (§ 2189.) A complete list of necessary election supplies can be found starting on page 13.

For an election not conducted using vote centers, the elections official shall provide a sufficient number of official ballots for each precinct. Additional ballots will be provided for vote-by-mail or emergency purposes. (§§ 14102(a), (b), 14300.) Official ballots shall be delivered by the elections official in sealed packages and must be signed for by a precinct board member who will return the signed receipt to the elections official. (§§ 14103(a), 14104.) The procedure to use if the ballots do not arrive or are damaged upon arrival is found on page 16.

For an election conducted using vote centers, the elections official shall provide sufficient materials for voting and a sufficient amount of ballot stock to be used for printing ballots. (§§ 14102(c), 14300(f).) Official ballots or ballot stock shall be delivered to the vote center in sealed packages and must be signed for by a precinct board member who will return the signed receipt to the elections official. (§§ 14103(b), 14104.) The procedure to use if the ballots and/or ballot stock do not arrive or are damaged upon arrival is found on page 16.

Election officers are required to post various materials in the polling place in clear view of those present. The essential materials are listed starting on page 17. Required information for the Roster of Registered Voters can be found starting on page 19. The roster may, however, be kept in the form of an index to the affidavits of registration for that precinct. If an index is used, it should provide sufficient space for the voter to sign their name. (§ 14109.) The roster may also be in the form of an electronic poll book. (§ 2550(a).) Any person may inspect the roster while voting is in progress or while votes are being counted, but such inspection must be done in a way that will not impede, interfere, or interrupt the normal process of voting. (§ 14223(b).)

## **1. Polling Place.**

### Change of Location of Polling Place

If, for any valid reason, the polling place designated for any precinct cannot be used, and this fact is known in sufficient time to allow a mailed notice to be received before the election, the elections official may designate another polling place and shall mail, to each voter in the precinct a notice showing this change. (§ 12281(a).) This provision does not apply to elections conducted using vote centers. (§ 12281(c).)

If the information is not known in sufficient time for a mailing, either the elections official or, in the case of an emergency, the precinct board on the day of election, shall designate another polling place as near the place first designated as possible, post notice on or near the place first designated, and conduct the election at the new location. (§ 12281(b).) This provision does not apply to elections conducted using vote centers. (§ 12281(c).)

### Restrictions

A candidate's residence shall not be designated as a polling place for an election at which that candidate's name will appear on the ballot. (§ 12287.)

A single-family residence shall not be designated as a polling place if elections officials determine that it has the registered address of a person who is required to register pursuant to the Sex Offender Registration Act (Penal Code, § 290 et seq.). Elections officials shall, not more than 60 days prior to designating a single-family residence as a polling place, use the Megan's Law Internet Web site maintained by the Department of Justice to determine if the residence has the registered address of a sex offender. In accordance with Section 290.46(k) of the Penal Code, an elections official who is required to register as a sex offender shall be prohibited from accessing the Megan's Law public Internet Web site. (§ 12287.5.)

A place where the primary purpose of the establishment is the sale and dispensation of alcoholic beverages may not be used as a polling place. A polling place may not be connected by a door, window, or other opening with any place where any alcoholic beverage is sold or dispensed while the polls are open. (§ 12288.)

### Places, Booths, or Compartments

All officers required by law to designate polling places shall furnish the polling places with a sufficient number of places, booths, or compartments, at or in which voters may conveniently mark their ballots, so that they may be screened from the observation of others. Each place, compartment, or booth shall be so adjusted as to conceal from any observation the voter's marking of the ballot. The number of voting booths or compartments shall be determined by the officer conducting the election. (§ 14110.)

### Arrangement of Polling Place

The polling places shall be arranged so that neither the ballot containers nor the voting booths or compartments shall be hidden from the view of those present. (§ 14211.)

## **2. Identification of Polling Places and Precinct Board Members.**

The elections official shall, at least one week before the election, *publish* the list of the polling places designated for each precinct. (§ 12105(a).)

At least one week before the election, the elections official shall *post* a list of all current polling places in each precinct and a list of precinct board members appointed by the 15th day before the election. (§ 12105.5(a).) This provision does not apply to elections conducted using vote centers. (§ 12105.5(d).)

**3. Declarations Required of Precinct Board Members.**

Declaration Required for Eligibility

No person is eligible to act as an election officer until the declaration required by Section 12321 (described below) has been signed. (§ 12320.)

The declaration of an inspector and each precinct board member shall be signed in the presence of a witness and shall be as binding on the signer as would be an oath of office. (§ 12321(a)(2).)

Declaration of Inspector

Each inspector shall sign a declaration of intention to faithfully discharge the duties of inspector and shall return it to the elections official at least 15 days before election day or the first day of service at a vote center. (§ 12321(a)(1).) In lieu of signing and returning the declaration of the inspector, the county elections official may require the inspector to sign the declaration for an election and before entering upon the performance of duties. (§ 12321(d).)

If the inspector fails or refuses to sign and file the declaration, the elections official shall appoint a substitute who shall make and file the application. (§ 12321(a)(1).)

The declaration of an inspector shall be in substantially the following form:

State of California  
County of \_\_\_\_\_

I do hereby solemnly declare that I will support the Constitution of the United States and the Constitution of the State of California, and that I will to the best of my ability, faithfully discharge the duties of inspector for polling place or vote center \_\_\_\_\_ for the election to be held on \_\_\_\_\_, 20\_\_.

Signed in the presence of \_\_\_\_\_(Signature) \_\_\_\_\_ on \_\_\_\_\_, 20\_\_.

(§ 12321(a)(3).)

Declaration of Non-Inspector Precinct Board Members

Before entering upon the performance of duties, each of the precinct board members, other than the inspector, shall sign a declaration of intention to faithfully discharge the duties of an election officer. (§ 12321(b).) The declaration shall be signed before any member of the precinct board. The form for each of the declarations shall be provided in the roster for the polling place. The declaration of the precinct board member shall be in substantially the following form:

State of California  
County of \_\_\_\_\_

I do hereby solemnly declare that I will support the Constitution of the United States and the Constitution of the State of California, and that I will to the best of my ability, faithfully discharge the duties of precinct board member for polling place or vote center \_\_\_\_\_ for the election to be held on \_\_\_\_\_, 20\_\_.

Signed in the presence of \_\_\_\_\_(Signature) \_\_\_\_\_ on \_\_\_\_\_, 20\_\_.

(§ 12321(b).)

### Administration of Oaths

Any precinct board member may administer and certify oaths required to be administered during the progress of an election. This authorization shall include the power to give any type of oath required of a public employee. There shall be no fee or charge for administering an oath. (§ 12321(c).)

## **4. Documentation Furnished by Elections Official to Precinct Board.**

### Delivery of Roster

Before the first day of the opening of the polls for any election held throughout the county, the county elections official shall deliver to the precinct board in each precinct at least one printed or electronic copy of the roster for that polling place, with canceled names lined out or otherwise indicated and with necessary supplements to bring the roster up to date. (§ 2189.)

### List of Vote-By-Mail Voters

Before the election the elections official shall send to the inspector of each precinct in their county or city a list of the voters in that precinct applying for and receiving a vote-by-mail voter's ballot. (§ 3013.)

### List of Military or Overseas Voters

A military or overseas voter who is qualified pursuant to Section 300(b)(1) may apply in person to the voter's elections official for permission to register after the closing date of registration under the following conditions (§ 3108(a)):

- (1) The military or overseas voter is released from service after the closing date of registration for an election, returns to the county of their residence, and is not a registered voter. To register, the elector shall furnish documentary proof that they were released from service after the closing date of registration for the election.
- (2) The military or overseas voter is required to move under official active duty military orders after the closing date of registration. To register, the elector shall furnish a copy of their official military orders.

On or before the day of election, or the first day a vote center opens, the elections official shall deliver to the precinct board a list of military or overseas voters who registered under Section 3108. (§ 3108(b).)

## **5. Election Supplies.**

### Election Supplies Furnished by Elections Official

The elections official shall furnish to each polling place all of the following (§ 14105):

- (a) At least one accessible copy of the voter list.
- (b) Necessary printed blanks for the roster, tally sheets, voter list, declarations, and returns.
- (c) Not fewer than six nor more than 12 instruction cards to each polling place for the guidance of voters in obtaining and marking their ballots. On each card shall be printed necessary instructions and the provisions of Sections 14225, 14279, 14280, 14287, 14291, 14295, 15271, 15272, 15273, 15276, 15277, 15278, 18370, 18380, 18403, 18563, and 18569.
- (d) A digest of the election laws with any further instructions the county elections official may desire to make.
- (e) An American flag of sufficient size to adequately assist the voter in identifying the polling place. The flag is to be erected at or near the polling place.
- (f) A ballot container, properly marked on the outside indicating its contents. If it is necessary to supply additional ballot containers, these additional containers shall also be marked on the outside indicating their contents.



- (g) At least one copy of the certified write-in list, if applicable.
- (h) A sufficient number of cards to each polling place containing the telephone number of the office to which a voter may call to obtain information about their polling place. The card shall state that the voter may call collect during polling hours.
- (i) An identifying badge or insignia for each member of the precinct board. The member shall print their name on the badge or insignia, and shall wear the badge or insignia at all times in the performance of duties, so as to be readily identified as a member of the precinct board by all persons entering the polling place.
- (j) Facsimile copies of the ballot containing ballot measures and ballot instructions printed in Spanish or other languages as provided in Section 14201.
- (k) Sufficient copies of the notices to be posted on the voter list used at the polls. The notice shall read as follows: "This voter list shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14297. Any person who removes, tears, marks, or otherwise defaces this voter list with the intent to falsify or prevent others from readily ascertaining the name, address, or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor."
- (l) A roster for each polling place in the form prescribed in Section 14107.
- (m) Printed copies of the Voter Bill of Rights, as supplied by the Secretary of State. The Voter Bill of Rights shall be conspicuously posted both inside and outside every polling place.
- (n) For a partisan primary election, printed copies of the posters or other materials described in Section 14105.2. The posters or other materials shall be conspicuously posted both inside and outside every polling place.

Additional Supplies

When a candidate for nomination or election to a partisan office appears on the ballot, posters or other printed materials containing the notice below shall be included in the precinct supplies. (§ 9083.5(a), (d).) The notice shall be conspicuously posted both inside and outside every polling place. (§ 14105.1.) The notice shall read substantially similar to the following:

**PARTY-NOMINATED/PARTISAN OFFICES**

Political parties may formally nominate candidates for party-nominated/partisan offices at the primary election. A nominated candidate will represent that party as its official candidate for the specific office at the general election and the ballot will reflect an official designation. The top vote-getter for each party at the primary election moves on to the general election. Parties also elect officers of county central committees at the primary election.

A voter can only vote in the primary election of the political party the voter has disclosed a preference for upon registering to vote. However, a political party may allow a person who has declined to disclose a party preference to vote in that party's primary election.

(§ 9083.5(a).)

When a candidate for nomination or election to a voter-nominated office appears on the ballot, posters or other printed materials containing the notice below shall be included in the precinct supplies. (§ 9083.5(b), (d).) The notice shall be conspicuously posted both inside and outside every polling place. (§ 14105.1.) The notice shall read substantially similar to the following:

**VOTER-NOMINATED OFFICES**

Political parties are not entitled to formally nominate candidates for voter-nominated offices at the primary election. A candidate nominated for a voter-nominated office at the primary election is the nominee of the people and not the official nominee of any party at the general election. A candidate for nomination to a voter-nominated office shall have their party preference, or lack of party preference, stated on the ballot, but the party preference designation is selected solely by the candidate and is shown for the information of the voters only. It does not mean the candidate is nominated or endorsed by the party designated, or that there is an affiliation between the party and candidate, and no candidate nominated by the voters shall be deemed to be the officially

nominated candidate of any political party. In the county voter information guide, parties may list the candidates for voter-nominated offices who have received the party's official endorsement.

Any voter may vote for any candidate for a voter-nominated office, if they meet the other qualifications required to vote for that office. The top two vote-getters at the primary election move on to the general election for the voter-nominated office even if both candidates have specified the same party preference designation. A party is not entitled to have a candidate with its party preference designation move on to the general election, unless the candidate is one of the two highest vote-getters at the primary election.

(§ 9083.5(b).)

When a candidate for nomination or election to a nonpartisan office, other than judicial office, appears on the ballot, posters or other printed materials containing the notice below shall be included in the precinct supplies. (§ 9083.5(c), (d).) The notice shall be conspicuously posted both inside and outside every polling place. (§ 14105.1.) The notice shall read substantially similar to the following:

#### NONPARTISAN OFFICES

Political parties are not entitled to nominate candidates for nonpartisan offices at the primary election, and a candidate at the primary election is not the official nominee of any party for the specific office at the general election. A candidate for nomination to a nonpartisan office may not designate their party preference, or lack of party preference, on the ballot. The top two vote-getters at the primary election move on to the general election for the nonpartisan office.

(§ 9083.5(c).)

#### Voter Information Guides at Polling Places

Three copies of the state voter information guide, to be supplied by the Secretary of State, shall be kept at every polling place, while an election is in progress, so that they may be freely consulted by the voters. (§ 9094(b).)

### **6. Ballots.**

#### Sufficient Number of Ballots Provided to Precinct Boards (For elections not conducted using vote centers)

For each statewide election not conducted using vote centers, the elections official shall provide a sufficient number of official ballots in each precinct to reasonably meet the needs of the voters in that precinct on election day using the precinct's voter turnout history as the criterion, but in no case shall this number be less than 75% of registered voters in the precinct, and for vote-by-mail and emergency purposes shall provide such additional number of ballots that may be necessary. (§ 14102(a)(1).)

The number of party ballots to be furnished to any precinct for a primary election shall be computed from the number of voters registered in that precinct as intending to affiliate with a party, and the number of nonpartisan ballots to be furnished to any precinct shall be computed from the number of voters registered in that precinct without statement of intention to affiliate with any of the parties participating in the primary election. (§ 14102(a)(2).)

For all other elections, the elections official shall provide a sufficient number of official ballots in each precinct to reasonably meet the needs of the voters in that precinct on election day using the precinct's voter turnout history as the criterion, but in no case shall this number be less than 75% of the number of registered voters in the precinct, and for vote-by-mail and emergency purposes shall provide the additional number of ballots that may be necessary. (§ 14102(b).)

In the case of an election for a state or federal office, each polling place using a direct recording electronic voting system, as defined by Section 19271, the elections officials shall provide paper ballots equivalent to the following percentages (§ 14300(a)):

- (1) For a statewide general election, no less than 10% of the registered voters in the polling place.
- (2) For a statewide direct primary election, for each partisan ballot form for which at least 10% of the registered voters in the polling place are eligible to request, no less than 5% of the registered voters in the precinct eligible to request that ballot form at the polling place. For nonpartisan voters, the total number of paper ballots among all ballot forms that they are eligible to request shall be no less than 5% of registered nonpartisan voters at the polling place.
- (3) For any other state or federal election contest, no less than 5% of registered voters at the polling place.
- (4) For purposes of Section 14300, the number of registered voters shall be based on the registration on the 88th day prior to the day of the election.

Upon request, the precinct board shall provide a paper ballot to a voter, regardless of the availability of the direct recording electronic voting system, as long as supplies remain available. The paper ballots described in Section 14300 may consist of provisional ballots. Any vote cast on a provisional ballot subject to Section 14300 by an otherwise qualified voter shall be counted as a regular ballot and shall not be subject to the requirements of Section 14310. (§ 14300(c), (d), (e).)

#### Sufficient Voting Materials and Ballot Stock Provided to Precinct Boards (For elections conducted using vote centers)

For each election conducted using vote centers, the elections official shall provide sufficient materials for voting. (§ 14102(c).) The elections official shall also provide a sufficient amount of ballot stock to be used for printing ballots in each vote center. (§ 14300(f).)

#### Delivery of Blank Ballots to Precinct Boards

Before the opening of the polls at any election not conducted using vote centers, the elections official shall cause to be delivered to the precinct board in each precinct in which the election is to be held, the proper number of ballots of the kinds to be used in that precinct. The ballots shall be delivered in sealed packages with marks on the outside clearly designating the precinct or polling place for which they are intended, and the number of ballots enclosed. (§ 14103(a).)

Before the opening of the polls at any election conducted using vote centers, the elections official shall cause ballots or ballot stock to be delivered in sealed packages indicating the number of ballots or the amount of ballot stock enclosed. (§ 14103(b).)

#### Ballot Receipt

The elections official shall prepare a receipt for each polling place, enumerating the packages and stating the date of delivery to the precinct board member. The precinct board member shall sign the receipt upon receipt of the packages. The signed receipt shall be returned to the elections official. Messengers may be employed to insure the safe and expeditious delivery of the ballots. (§ 14104.)

If the ballots or supplies do not arrive in time, the precinct board member present should immediately communicate with the elections official or other official from whom they should have been received.

#### Loss or Destruction of Ballots

In the case of the prevention of an election in any precinct by the loss or destruction of the ballots intended for that precinct, the inspector or other precinct officer for that precinct shall make an affidavit setting forth the fact and transmit it to the Governor. (§ 13101(a).) This provision does not apply to elections conducted using vote centers. (§ 13101(b).)

## 7. Materials to Post.

### Only Those Materials Required by Law

Members of the precinct board shall not display, distribute, or make available at the polling place any materials other than those required pursuant to Division 14 without the express approval of the county elections official. (§ 14105.5.)

### Posting Voting Information

A member of each precinct board shall cause the following voting information to be publicly posted at each polling place (§ 14200):

- (a) A sample version of the ballot that will be used for the election.
- (b) Information regarding the date of the election and the hours during which polling places will be open.
- (c) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot.
- (d) Instructions for mail-in registrants and first-time voters under Section 303(b) of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).
- (e) General information on voting rights under applicable federal and state laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated.
- (f) General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation as they pertain to elections.
- (g) Information regarding the languages other than English in which members of the precinct board can assist voters. The information shall be provided in all of the languages other than English spoken by the members.

### Posting Facsimile Copy of Ballot Measures and Instructions - Languages

In counties and precincts where the Secretary of State has determined that it is appropriate, the county elections official shall provide facsimile copies of the ballot, as described in Section 14201(b), with the ballot measures and ballot instructions printed in Spanish, one of which shall be posted in a conspicuous location in the polling place and at least one of which shall be made available for voters at the polling place to use as a reference when casting a private ballot. Facsimile ballots shall also be printed in other languages and provided in the same manner if a significant and substantial need is found by the Secretary of State. A facsimile copy of the ballot available for voters to use in casting a private ballot shall be sufficiently distinct in appearance from a regular ballot to prevent voters from attempting to vote on the facsimile copy. (§ 14201(a).)

If the Secretary of State has determined that the number of voting-age residents in a precinct who are members of a single language minority and who lack sufficient skills in English to vote without assistance exceeds 20% of the voting-age residents in that precinct, the county elections official shall provide at least four facsimile copies of the ballot in the language of that language minority, one of which shall be posted in a conspicuous location in the polling place and at least three of which shall be made available for voters at the polling place to use as a reference when casting a private ballot. (§ 14201(b)(2).)

In polling places where facsimile copies of the ballot are necessary, members of the precinct boards shall be trained on the purpose and proper handling of the facsimile copies of the ballot and shall be prepared to inform voters of the existence of the facsimile copies of the ballot, as appropriate. (§ 14201(c)(1).)

If a voter requests a facsimile copy of a ballot that is available in the voter's language of preference pursuant to Section 14201(a), a member of the precinct board shall provide the facsimile copy of the ballot to the voter. (§ 14201(c)(2).)

In polling places where facsimile copies of the ballot are necessary, a sign near the roster shall inform voters of the existence of the facsimile copies of the ballot. The sign shall be in English and in the language or languages of the facsimile copies available in that polling place. (§ 14201(c)(3).)

At least 14 days before an election, the county elections official shall provide information on the county elections internet website identifying all polling places in the county and the languages of facsimile copies of the ballot that will be available to voters at each polling place. Explanatory information pertaining to the list of polling places, but not the list itself, shall be available in all languages in which the county provides facsimile copies of the ballot. (§ 14201(d).)

The county elections official shall include text in the county voter information guide that refers voters with language needs to the portion of the county elections internet website containing the information specified in Section 14201(d). The text shall be in all languages in which the county provides facsimile copies of the ballot. (§ 14201(e).)

A county elections official shall not be required to provide facsimile copies of the ballot in a particular language if the county elections official is required to provide translated ballots in that language pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.). (§ 14201(g)(1).)

In a polling place where a county elections official is required pursuant to Section 14201(a) to provide a facsimile copy of the ballot in a language other than English, the county elections official may instead provide voters with a ballot translated into that language. A county elections official who provides and publicizes translated ballots in the same manner as translated ballots provided and publicized pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), in lieu of providing facsimile copies of the ballot in any language required under Section 14201(a), need not comply with Section 14201(c), (d), and (e) as pertaining to that language. (§ 14201(g)(2).)

#### Posting of the Voter List

Before the opening of the polls at any election not conducted using vote centers, the precinct board shall post in separate, convenient places at or near the polling place, and of easy access to the voters, at least one printed copy of the voter list for that polling place. The copies of the voter list shall be by street address in numerical order. (§ 14202(a).)

At any election conducted using vote centers, at each polling place the elections official or the precinct board shall provide access to the voter list. (§ 14202(b).)

#### Copy of Voter List Must Remain Posted

The precinct board shall maintain at least one printed copy of the voter list posted during the whole time of voting. The copies of the voter list shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14294. (§ 14298(a).)

A member of the precinct board shall post a notice on each voter list that reads as follows: "This voter list shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14294. Any person who removes, tears, marks, or otherwise defaces this voter list with the intent to falsify or prevent others from readily ascertaining the name, address, or political preference of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor." (§ 14298(b).)

If an electronic poll book is used, a notice shall be posted near the electronic poll book that reads as follows: "This roster shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14294. Any person who removes, tears, marks, or otherwise defaces this index with the intent to falsify or prevent others from readily ascertaining the name, address, or political preference of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor." (§ 14298(c).)

**8. Roster.**

Roster of Registered Voters

The roster to be kept by each precinct board shall contain all of the following:

- (1) Space for the voter’s signature.
- (2) The residence address of the voter.
- (3) At the heading of each page or signature area, the following words: “WARNING: It is a crime punishable by imprisonment in the state prison or in county jail for anyone to fraudulently vote, fraudulently attempt to vote, vote more than once, attempt to vote more than one, impersonate a voter, or attempt to impersonate a voter (Sec. 18560, Elections Code).”
- (4) Immediately below the final signature on the roster, the following statements:

(A) We hereby certify that all voters whose signatures appear hereinbefore in this roster voted this day excepting the following who, after signing the roster, failed to vote or were challenged and denied the right to vote.

No.	Name	No.	Name
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(B) We further certify that the number of voters who voted in this precinct at this election is \_\_, and that the above list of voters, less those who did not vote as enumerated, constitutes the roster of this precinct for this election.

We further certify that the total number of official ballots received, voted, rejected, spoiled and canceled, found in the ballot container and the number accounted for is as indicated on the ballot statement.

We further certify that the assisted voters list and challenge list show a complete list of all voters assisted or challenged.

\_\_\_\_\_ Clerk  
 \_\_\_\_\_ Clerk  
 \_\_\_\_\_ Clerk                      \_\_\_\_\_ Inspector

All members of the precinct board shall sign this certificate. (§ 14107(a).)

When votes are counted at the precinct, all members of the board shall also sign the certificate of performance prescribed in Section 15280. (§ 14107(b).) (See page 47 for form of certificate of performance.)

**NOTE** - A distinction should be noted between the "roster" just mentioned and "tally sheet." The roster is to contain the signatures of the voters, the number thereof being certified to by the election officers (§ 349.5), whereas the tally sheet is to contain the tally or count of the votes and a record thereof also initialed by the elections officers (§§ 15277, 15280). The roster is signed by the election officers *before* the ballots are opened (§§ 14107(a)(4), 14216, 15271), whereas the elections officers sign the certificate of performance certifying the tally sheet *after* the ballots are opened and counted (§ 15280).

Roster in the Form of Index to Affidavits of Registration

Notwithstanding Sections 14105 and 14107, the roster to be kept by each precinct board may be in the form of an index to the affidavits of registration for that precinct, in which case the index shall provide space of sufficient size to allow each voter to sign their name pursuant to Section 14216. (§ 14109.)

### Roster in the Form of an Electronic Poll Book

The roster may also be in the form of an electronic poll book. "Electronic poll book" means an electronic list of registered voters that may be transported to the polling location. An electronic poll book shall contain all of the following voter registration data (§ 2550(a)):

- (1) Name.
- (2) Address.
- (3) Precinct.
- (4) Party preference.
- (5) Whether or not the voter has been issued a vote-by-mail ballot.
- (6) Whether or not the vote-by-mail ballot has been recorded as received by the elections official.

An electronic poll book shall not be used unless it has been certified by the Secretary of State. (§ 2550(b).)

### Inspection of Roster

Any person may inspect the roster while voting is in progress and while votes are being counted. However, this shall not be done at a time or in a manner that will impede, interfere with, or interrupt the normal process of voting. (§ 14223(b).)

## IV. Election Day

### Summary

This chapter describes for precinct officers statutes pertaining to voters' rights and to the rights of election officers to deny access to the polls. This chapter also outlines proper balloting procedures.

The polls shall be open at 7 a.m. of the day of any election, and shall be kept open until 8 p.m. of the same day, when the polls shall be closed, except as provided in Sections 4005, 4007, and 14401. (§ 14212.) If a precinct board cannot provide a qualified voter with a ballot, the elections official will deliver additional ballots to ensure that all eligible voters can cast their ballots within two hours. (§ 14299(a).) In municipal elections, the polls must remain open for at least 8 consecutive hours. (§ 10242.) Voting may take place as soon as the polls open and will continue until they close. (§ 14214.)

In an election conducted using vote centers, vote centers will open beginning 10 days prior to the election, and will remain open through the closing of the polls on election day. (§ 4005(a)(3), (a)(4).) Further information on the operation of vote centers may be found on pages 41 and 70.

Any United States citizen, 18 years or older, properly registered to vote in the State of California may vote in any election held within the territory where they reside. (§§ 2000, 10000; Cal. Const, art. II, § 2.) On election day, a new citizen can register to vote at designated locations and can vote. (§ 3500 et seq.) The procedure to take if a voter is erroneously placed in a precinct other than the one in which the person lives is found on page 27.

An elector who is otherwise qualified to register to vote under the Elections Code and California Constitution, Article II, Section 2 may complete a conditional voter registration and cast a provisional ballot or nonprovisional ballot during the 14 days immediately preceding an election or on election day. (§ 2170(b).)

Upon entering the polling place, the voter shall provide their address and, upon the precinct officers finding the name on the roster, the voter shall then sign their name in the space provided. (§ 14216(a).) The procedure to be followed if the officer is unable to find a voter's name on the roster and a provisional ballot is necessary is set forth starting on page 28. A provisional ballot allows the voter to vote but will be counted only after the county elections official confirms that the voter is properly registered. (§ 14310(a), (b), (c).)

An election officer may orally challenge a prospective voter within a polling place for a number of reasons. (§ 14240(a).) These reasons include that the voter is not a resident of the precinct or, in an election conducted using a vote center, not a resident of that county. (§ 14240(a)(2).) The procedure and the various grounds for which a voter may be challenged are found starting on page 29. The domicile of a person is that place where a voter's habitation is fixed, to which after any absence the person intends to return. (§ 349(b).) The definitions of "residence" and "domicile" for voting purposes and laws relating to the definitions are listed starting on page 30. Any challenged person refusing to take a properly administered oath regarding their place of residence or who refuses to be sworn and to answer questions concerning matters of residence must not be permitted to vote. (§§ 14248, 14249.) The precinct board must compile a list of all challenges, containing all information listed on page 33. (§ 14252.)

Before each voter enters the voting booth, the precinct board shall inform the voter how to operate the voting device. If a marking or punching device is used, the voter shall be instructed to use only that device. The voter shall also be instructed how to fold the ballot and place it in the envelope. If any voter, after entering the booth, asks for information regarding the operation of the machine or device, the precinct board shall give the voter the information. (§ 14272.)

Each voter will receive only one ballot from the precinct board. (§ 14278.) A facsimile ballot containing ballot measures and instructions printed in an approved foreign language will be provided upon request unless



county voter information guides and ballots for voting are already furnished in that language as provided by law. (§ 14219.)

Upon leaving the voting booth, the voter will hand the folded ballot or the envelope containing the ballot to a precinct board member, who shall remove the ballot stub, hand it to the voter, and deposit the ballot into the ballot container. (§ 14277.)

Voting booths shall be occupied by only one person at a time unless a voter is accompanied by children in the voter's care or is eligible to receive assistance under the assisted voter provisions. (§§ 14222, 14224(a).) The precinct officers shall keep a list of those voters receiving help under the assisted voter provisions and shall return the list to the elections official. (§ 14283.)

A ballot shall be marked only with the marking device provided by law. (§ 14284(a).) If a voter spoils or defaces a ballot, the voter should immediately return the ballot to the ballot clerk and receive another ballot; a voter shall not receive more than a total of three ballots. (§ 14288.) Those ballots marked by the ballot clerk as spoiled will be returned to the elections official with the unused ballots. (§ 14290.) Before depositing a properly voted ballot into the ballot box, the precinct inspector will remove the slip containing the number of the ballot and hand it to the voter. (See § 14225.) At least once each hour until 6 p.m., a precinct board member shall identify, in the space provided on the voter list posted at or near the polling place, those voters who have voted, by drawing a line through their names. (§ 14294(a).)

If an electronic poll book is used at the polling place, the elections official may use a printout or an electronic means of notification of the list of each person who has voted. The elections official shall provide the printout or electronic notification at least once each hour, to and including 6 p.m., or at the time of discontinuation of this procedure, whichever occurs last. (§ 14294(b).)

"Vote-by-mail voter" means any voter casting a ballot in any way other than at the polling place. (§ 300(a).)

A "military or overseas voter" can be a member of the active or reserve components of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; a Merchant Marine; a member of the United States Public Health Service Commissioned Corps; a member of the National Oceanic and Atmospheric Administration Commissioned Corps of the United States; a member on activated status of the National Guard or state militia; the spouses and dependents of any of the above; or a U.S. citizen living outside the territorial limits of the U.S. (§ 300(b).)

A "permanent vote-by-mail voter" is a registered voter who has requested their county elections official send them a vote-by-mail ballot for every election. (§ 3201.)

Under certain conditions, vote-by-mail voters who return to the polling place designated for their home precincts on or before election day, or go to a vote center established pursuant to Section 4005, or to the office or satellite office of an elections official where voting is permitted, shall be permitted to vote nonprovisional ballots. (§ 3015(a).) If the conditions are not met, such vote-by-mail voters shall be issued a provisional ballot in accordance with Section 14310 if neither of the conditions in Section 3015(a) is satisfied. (§ 3016.) Vote-by-mail ballots shall be voted on or before the day of the election and can be returned to: the elections official in person or by mail, to a member of a precinct board at a polling place or vote center within the state, or a vote-by-mail ballot dropoff location within the state that is provided pursuant to Section 3025 or 4005. (See §§ 3017(a)(1), 3018, 3025.) Persons not planning to vote-by-mail but who find themselves physically incapable of reaching the polls during an election may have a ballot delivered by an elections official to any authorized representative of the voter. (§ 3021.) Voting restrictions placed on military or overseas voters reentering the county prior to election day can be found on page 40.

The county elections official may direct a precinct board to seal the ballot container prior to the closing of the polls, in accordance with the procedures set forth in Sections 14420 and 14421. (§ 14422(a)(1).) As soon as the container is sealed, the county elections official may direct at least two elections officials to remove the sealed ballot container of voted untallied ballots from the polling place and the presence of any bystanders and to deliver the container to a receiving center or central counting place as directed. (§ 14422(a)(2).)

If at the hour of closing there are any other voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. Anyone who arrives at the polling place after the time provided for closing the polls shall not be entitled to vote, even though the polls are open when the voter arrives. When the polls are closed, the precinct board shall proclaim that fact aloud at the place of election. After the proclamation no ballot shall be received. (§§ 14401, 14402.)

The precinct board removes voted ballots from the ballot container, counts the number of ballot cards, certifies the number of ballots, and records on forms provided by the elections official the information needed for the reconciliation of ballots required by Section 14405. (§ 14420(a), (b), (c).) However, before or at the close of the polls, the county elections official may direct the precinct board to seal the ballot container. (§14422.)

Members of the precinct board shall account for the ballots delivered to them by returning a sufficient number of unused ballots to make up, when added to the number of official ballots cast and the number of spoiled and canceled ballots returned, the number of ballots given to them. This accounting can take place at the polling place or be performed by the elections official at the central counting place. (§ 14405(a).) The precinct board shall also complete and sign the certificate of performance prescribed in Section 15280, if that section applies. (§ 14405(b).) These provisions do not apply to an election conducted using vote centers. (§ 14405(c).)

## **1. Opening of the Polls.**

### Time of Opening Polls - Generally

The polls shall be open at 7:00 a.m. of the day of any election, and shall be kept open until 8 p.m. of the same day, when the polls shall be closed, except as provided in Sections 4005, 4007, and 14401. (§ 14212.)

### Time of Opening Polls - Municipal Elections in General Law Cities

The polls shall be open on the day of election between the hours that the governing body determines, for at least eight consecutive hours. The hours of opening and closing the polls shall be specified in the notice of election, or shall otherwise be the same as provided for general elections. (§ 10242.)

### Opening Announced

Before the precinct board receives any ballots, it shall proclaim aloud at the place of election that the polls are open. (§§ 10242, 14213.)

### Ballot Box to Be Opened, Exhibited and Closed; Not Removed or Opened Until Polls Are Closed

Before receiving any ballots, the precinct board, in the presence of any persons assembled at the polling place, shall open and exhibit and close the ballot container or containers. Thereafter, the ballot container or containers shall not be removed from the polling place or presence of the bystanders until all the ballots are counted, nor opened until after the polls are finally closed, unless otherwise directed by elections official pursuant to Section 14420(c). (§§ 14215, 14420(c).)

## **2. Regulations at Polls.**

### Only Voters and Authorized Persons Permitted Within Barricade

Only voters engaged in receiving, preparing, or depositing their ballots and persons authorized by the precinct board to keep order and enforce the law may be permitted to be within the voting booth area before the closing of the polls. (§ 14221.)

Nothing contained in the Elections Code shall prevent a voter from being accompanied by a child or

children under the age of 18 years while the voter is within the voting booth area if the child is, or children are, under the voter's care. (§ 14222.)

Except as provided in Section 14222, voting booths or compartments shall not be occupied by more than one person at a time, unless the voter is eligible under the assisted-voter provisions. (§ 14224(a).)

Voters shall not remain in or occupy the voting booths or compartments longer than is necessary to mark their ballots, which shall not exceed 10 minutes. If a voter informs a precinct board member that the voter requires additional time to mark their ballot, a longer period shall be allowed. However, if the precinct board member determines that the voter is attempting to interfere with the conduct of the election and does not require additional time to mark their ballot, the precinct board member may contact the elections official, who may order that the voter not be provided with additional time to mark their ballot. (§ 14224(b).)

#### Persons Permitted to Sit at Desk

Only members of the precinct board, and persons while signing their names on the roster, shall be permitted, during the hours within which voting is in progress, to sit at the desk or table used by the precinct board. (§ 14223(a).)

#### Election Officers Must Be Present at Polls

At any election, a majority of the members of any precinct board shall be present at the polling place at all times while the polling place is open. (§§ 10243, 14220.)

#### Lawful Communication

Any member of the precinct board, when using a language other than English at the polls, shall communicate with voters in that language only as they would be lawfully permitted to communicate in English under the Elections Code. The member shall be subject to like penalty for any illegal communication as if it had occurred in English. (§ 14227.)

#### Election Officer Ceasing to Act, Replacement to Be Appointed, Substitute

The inspector may appoint a voter to replace any precinct board member who ceases to act or becomes incapacitated during the progress of an election. (§ 12314.)

If the inspector ceases to act, a majority of the remaining members of the precinct board may appoint a substitute. (§ 12315.)

#### Electronic Device at a Polling Place

A voter or any other person shall not be prohibited from using an electronic device, including a smartphone, tablet, or other handheld device, at a polling place provided that the use of the device does not result in a violation of Section 14221, 14224, 14291, 18370, 18502, 18540, 18541, or any other provision of the Elections Code. (§ 2302.)

### **3. Voting.**

#### When Voting May Commence

Voting shall commence as soon as the polls are opened and shall be continued during the time the polls remain open. (§ 14214.)

### Voter Must Be Entitled to Vote

After the opening of the polls, the precinct board shall not allow any voter to enter the voting booth until it ascertains that the voter is entitled to vote. (§ 14271.)

### Who May Vote

Every United States citizen at least 18 years of age at the time of the election and resident in California who complies with the Elections Code provisions governing the registration of electors may vote at any election held within the territory within which the person resides and the election is held. (§§ 2000, 10000; Cal. Const., art. II, § 2.)

### New Citizens Can Register and Vote on Election Day

A new citizen is eligible to register and vote at the office of, or at another location designated by, the county elections official at any time beginning on the 14th day before an election and ending at the close of polls on the election day following the date on which that person became a citizen. (§ 3500.)

### Conditional Voter Registration

“Conditional voter registration” means a properly executed affidavit of registration that is delivered by the registrant to the county elections official during the 14 days immediately preceding an election or on election day and which may be deemed effective pursuant to Division 2, Chapter 2, Article 4.5 (commencing with Section 2170) after the elections official processes the affidavit, determines the registrant’s eligibility to register, and validates the registrant’s information, as specified in Section 2170(c). (§ 2170(a).)

In addition to other methods of voter registration provided by the Elections Code, an elector who is otherwise qualified to register to vote under the Elections Code and California Constitution, Article II, Section 2 may complete a conditional voter registration and cast a provisional ballot, or a nonprovisional ballot under Section 2170(f), during the 14 days immediately preceding an election or on election day pursuant to Division 2, Chapter 2, Article 4.5 (commencing with Section 2170). (§ 2170(b), (e), (f).) A county elections official may use a provisional ballot envelope and/or a conditional voter registration envelope as an affidavit of registration. (§ 2160(a).)

A conditional voter registration accepted by the county elections official shall include the information required by Division 2, Chapter 2, Article 4 (commencing with Section 2150). (§ 2171(a).)

A conditional voter registration accepted by the county elections official shall be processed in accordance with general voter registration procedures provided in Division 2, Chapter 2 and established by regulations adopted by the Secretary of State. (§ 2171(b).)

A conditional voter registration shall be deemed effective if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and that the information provided by the registrant on the registration affidavit matches information contained in a database maintained by the Department of Motor Vehicles or the federal Social Security Administration. (§ 2170(c)(1).)

If the information provided by the registrant on the registration affidavit cannot be verified pursuant to Section 2170(c)(1) but the registrant is otherwise eligible to vote, the registrant shall be issued a unique identification number pursuant to Section 2150 and the conditional voter registration shall be deemed effective. (§ 2170(c)(2).)

The county elections official shall offer conditional voter registration and provisional voting pursuant to Division 2, Chapter 2, Article 4.5 (commencing with Section 2170) in accordance with all of the following procedures (§ 2170(d)):

- (1) The elections official shall provide conditional voter registration and provisional voting pursuant to Division 2, Chapter 2, Article 4.5 (commencing with Section 2170) at all permanent and satellite offices

- of the county elections official and all polling places in the county.
- (2) The elections official shall advise registrants that a conditional voter registration will be effective only if the registrant is determined to be eligible to register to vote for the election and the information provided by the registrant on the registration affidavit is verified pursuant to Section 2170(c).
  - (3) The elections official shall conduct the receipt and handling of each conditional voter registration and offer and receive a corresponding provisional ballot in a manner that protects the secrecy of the ballot and allows the elections official to process the registration, determine the registrant's eligibility to register, and validate the registrant's information before counting or rejecting the corresponding provisional ballot.
  - (4) After receiving a conditional voter registration, the elections official shall process the registration, determine the registrant's eligibility to register, and attempt to validate the registrant's information.
  - (5) If a conditional registration is deemed effective, the elections official shall include the corresponding provisional ballot in the official canvass.

After receiving a conditional voter registration, the elections official shall provide the voter a provisional ballot in accordance with the following procedures (§ 2170(e)):

- (1) If the elections office, satellite office, or polling place is equipped with an electronic poll book, or other means to determine the voter's precinct, the elections official shall provide the voter with a ballot for the voter's precinct if the ballot is available. The ballot may be cast by any means available at the elections office, satellite office, or polling place.
- (2) If the elections official is unable to determine the voter's precinct, or a ballot for the voter's precinct is unavailable, the elections official shall provide the voter with a ballot and inform the voter that only the votes for the candidates and measures on which the voter would be entitled to vote in the voter's assigned precinct may be counted pursuant to Section 14310(c)(3). The ballot may be cast by any means available at the elections office, satellite office, or polling place.
- (3) Notwithstanding Section 2170(e)(2), if the elections official is able to determine the voter's precinct, but a ballot for the voter's precinct is unavailable, the elections official may inform the voter of the location of the voter's polling place. A voter described in this paragraph shall not be required to vote at the voter's polling place and may instead, at the voter's choosing, cast a ballot pursuant to Section 2170(e)(2).
- (4) Section 2170(e) does not apply to elections conducted pursuant to Section 4005 or 4007.

An elections official may offer a nonprovisional ballot to a registrant if the official does both of the following (§ 2170(f)):

- (1) Uses the statewide voter registration database developed in compliance with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.) to do all of the following before issuing the nonprovisional ballot:
  - (A) Verify that the registrant is deemed eligible to register to vote.
  - (B) Verify that the registrant has not voted in the state in that election.
  - (C) Verify that the registrant has not been included on a roster for that election in another county in the state that is not conducting elections pursuant to Section 4005.
  - (D) Update the voter's record to indicate that the voter has voted in that election.
- (2) If the registrant has been included on a roster for that election in that county, the official updates that roster to indicate that the voter has voted and shall not be issued another nonprovisional ballot for that election.

A provisional ballot cast under pursuant to Division 2, Chapter 2, Article 4.5 (commencing with Section 2170) shall be subject to the requirements for provisional voting in Division 14, Chapter 3, Article 5 (commencing with Section 14310). (§ 2171(c).)

The elections official shall cancel any duplicate voter registrations that may exist as a result of a conditional registration deemed effective and shall cancel the duplicate registrations in accordance with Division 2, Chapter 3 (commencing with Section 2200). (§ 2172(a).)

If it appears that a registrant may have committed fraud within the meaning of Section 18560, the elections official shall immediately notify in writing both the district attorney and the Secretary of State. (§ 2172(b).)

### Local, Special, or Consolidated Elections

Every person is entitled to vote at a local, special, or consolidated election who is registered in any one of the precincts which compose the local, special, or consolidated election precincts. (§ 10000.)

### Loss or Destruction of Voter

Before each voter enters the voting booth, the precinct board shall inform the voter how to operate the voting device. If a marking or punching device is used, the voter shall be instructed to use only that device. The voter shall also be instructed how to fold the ballot and place it in the envelope. If any voter, after entering the booth, asks for information regarding the operation of the machine or device, the precinct board shall give the voter the information. (§ 14272.)

### Marking Device Handed to Voter

The device for marking the ballot may be handed to the voter with their ballot before the voter goes into the voting booth, and shall be returned to the precinct board after the voter has finished marking their ballot. (§ 14273.)

### Voter Moved to New Precinct

A person duly registered as a voter in any precinct in California who moves from the precinct within 14 days prior to an election shall, for the purpose of that election, be entitled to vote in the precinct from which the person moved until the close of the polls on the date of that election. (§ 2035.)

### Voter Who Has Moved and Not Reregistered

A voter who has moved from one address to another within the same county and who has not reregistered to vote at that new address may, at the voter's option, vote on the day of the election at the polling place at which the voter is entitled to vote based on their current residence address, or at the office of the county elections official or other central location designated by that elections official. The voter shall be reregistered at the place of voting for future elections. (§ 14311(a).)

Voters casting ballots as permitted in the preceding paragraph shall be required to vote by provisional ballot, as provided in Section 14310. (§ 14311(b).)

### Name and Address of Voter - Signing of Roster

Any person desiring to vote shall state or provide their name and address and, upon the precinct officers finding the name in the roster, the voter shall then sign their name in the space provided. If the voter is unable to sign, the voter shall have their name signed by another person on the roster provided for that purpose, whereupon a challenge may be interposed as provided in Division 14, Chapter 3, Article 2. (§ 14216(a).)

### Change of Surname

If the surname of any person offering to vote has been changed since the person has registered, the person shall sign their name as it was before the change and also the appropriate name as it is at the time the person votes, indicating on the roster on the same line by brackets or other means that the two names are the name of one person. (§ 14218.)

#### **4. Voter's Name Not on Roster.**

##### Inability to Find Voter's Name on Roster

If the precinct board is unable to find a voter's name upon the roster, it shall inform the voter that they may cast a provisional ballot and the procedure for doing so. If the voter elects to cast a provisional ballot, the precinct board shall furnish the voter with a provisional ballot, in accordance with Section 14310. (§ 14217.)

##### Voting a Provisional Ballot

At all elections, a voter claiming to be properly registered, but whose qualification or entitlement to vote cannot be immediately established upon examination of the roster for the precinct or upon examination of the records on file with the county elections official, shall be entitled to vote a provisional ballot as follows (§ 14310(a)):

- (1) An elections official shall advise the voter of the voter's right to cast a provisional ballot.
- (2) The voter shall be provided a provisional ballot, written instructions regarding the process and procedures for casting the provisional ballot, and a written affirmation regarding the voter's registration and eligibility to vote. The written instructions shall include the information set forth in Section 14310(c) and (d).
- (3) The voter shall be required to execute, in the presence of an elections official, the written affirmation stating that the voter is eligible to vote and registered in the county where the voter desires to vote.

Once voted, the voter's ballot shall be sealed in a provisional ballot envelope, and the ballot in its envelope shall be deposited in the ballot box. All provisional ballots voted shall remain sealed in their envelopes for return to the elections official in accordance with the elections official's instructions. The provisional ballot envelopes specified in Section 14310(b) shall be a color different than the color of, but printed substantially similar to, the envelopes used for vote-by-mail ballots, and shall be completed in the same manner as vote-by-mail envelopes. (§ 14310(b).)

During the official canvass, the elections official shall examine the records with respect to all provisional ballots cast. Using the procedures that apply to the comparison of signatures on vote-by-mail ballots pursuant to Section 3019, the elections official shall compare the signature on each provisional ballot envelope with the signature on the voter's affidavit of registration or another signature in the voter's registration record. If the signatures do not compare or the provisional ballot envelope is not signed, the ballot shall be rejected. A variation of the signature caused by the substitution of initials for the first or middle name, or both, shall not invalidate the ballot. (§ 14310(c)(1).)

Provisional ballots shall not be included in any semiofficial or official canvass, except under one or more of the following conditions (§ 14310(c)(2)(A)):

- (1) The elections official establishes prior to the completion of the official canvass, from the records in their office, the claimant's right to vote.
- (2) The provisional ballot has been cast and included in the canvass pursuant to Division 2, Chapter 2, Article 4.5 (commencing with Section 2170).
- (3) Upon the order of a superior court in the county of the voter's residence.

A voter may seek the court order specified in Section 14310(c)(2) regarding their own ballot at any time prior to completion of the official canvass. Any judicial action or appeal shall have priority over all other civil matters. A fee shall not be charged to the claimant by the clerk of the court for services rendered in an action under Section 14310. (§ 14310(c)(2)(B).)

The provisional ballot of a voter who is otherwise entitled to vote shall not be rejected because the voter did not cast their ballot in the precinct to which the voter was assigned by the elections official. If the ballot cast by the voter contains the same candidates and measures on which the voter would have been entitled to vote in their assigned precinct, the elections official shall count the votes for the entire ballot. If the ballot cast by the voter contains candidates or measures on which the voter would not have been entitled to vote in his or assigned precinct,

the elections official shall count only the votes for the candidates and measures on which the voter was entitled to vote in their assigned precinct. (§ 14310(c)(3).)

Section 14310 shall apply to any vote-by-mail voter described by Section 3015 who is unable to surrender their unvoted vote-by-mail voter's ballot. (§ 14310(f).)

Any existing supply of envelopes marked "special challenged ballot" may be used until the supply is exhausted. (§ 14310(g).)

#### State of Emergency – Emergency Worker Can Cast a Ballot Outside of Home Precinct

Upon the declaration of a state of emergency by the Governor and the issuance of an executive order authorizing an emergency worker to cast a ballot outside of their home precinct, elections officials in the counties included in the executive order shall, upon demand, issue to an emergency worker a provisional ballot that may be identical to the provisional ballot offered to other voters in the county, using a process to be determined by the elections official. The elections official shall transmit for processing any ballot cast, including any materials necessary to process the ballot, pursuant to Section 14313 to the elections official in the county where the voter is registered to vote. (§ 14313(a).)

To be counted, a ballot cast pursuant to Section 14313 shall satisfy both of the following requirements (§ 14313(b)):

- (1) Be cast by the voter no later than the close of the polls on election day.
- (2) Be received by the county elections official where the voter is registered on or before the 10th day following the date of the election.

Upon receipt of the returned ballot, the elections official shall process the ballot pursuant to the procedures in Section 14310(c). (§ 14313(c).)

If the requirements in Section 14313(b) and (c) are met and the ballot is eligible to be counted, the ballot shall be duplicated and all other materials preserved according to the procedures set forth in the Elections Code. (§ 14313(d).)

For the purposes of Section 14313, "emergency worker" means a person who is officially engaged in responding to the proclaimed state of emergency and whose vocation has been identified in an executive order relating to the state of emergency. (§ 14313(e).)

#### Voter Claims Erroneous Cancellation of Affidavit of Registration

A voter who has a registration status of inactive, who offers to vote at any election between the date of the verification mailing required by Section 2225(c) and two federal general elections after the date of that mailing, who notifies the elections official of a continued residency, or who has confirmed the voter's voter registration record on the internet website of the Secretary of State, shall have the voter's voter registration status updated to active. (§ 2226(c).)

### **5. Challenge.**

#### Who Can Challenge

A person offering to vote may be orally challenged within the polling place only by a member of the precinct board. (§ 14240(a).) A person, other than a member of a precinct board or other official responsible for the conduct of the election, shall not challenge or question any voter concerning the voter's qualifications to vote. (§ 14240(b).)

#### Grounds for Challenge

A person offering to vote may be orally challenged within the polling place only by a member of the precinct board upon any or all of the following grounds (§ 14240(a)):



- (1) the voter is not the person whose name appears on the roster;
- (2) the voter is not a resident of the precinct, or in an election conducted using a vote center, not a resident of the county;
- (3) the voter is not a citizen of the United States;
- (4) the voter has voted in that election; or

### Challenge Procedure

If any member of a precinct board receives, by mail or otherwise, any document or list concerning the residence or other voting qualifications of any person or persons, with the express or implied suggestion, request, or demand that the person or persons be challenged, the board member shall first determine whether the document or list contains or is accompanied by evidence constituting probable cause to justify or substantiate a challenge. In any case, before making any use whatever of such a list or document, the member of the precinct board shall immediately contact the elections official charged with the duty of conducting the election, and describe the contents of the document or list and the evidence, if any, received bearing on voting qualifications. The elections official shall advise the members of the precinct board as to the sufficiency of probable cause for instituting and substantiating the challenge and as to the law as herein provided, relating to hearings and procedures for challenges by members of the precinct board and determination thereof by a precinct board. The elections official may, if necessary, designate a deputy to receive and answer inquiries from precinct board members as herein provided. (§ 14240(c).)

### Challenge on Ground of Nonresidence - Undelivered Mail Not Acceptable as Sole Evidence

A piece of mailed matter returned undelivered by the post office shall not be accepted or used as evidence upon which to initiate a challenge as to residency by any member of the precinct board unless other evidence or testimony is also presented, nor shall the mailed matter, standing alone without other evidence or testimony, be accepted as evidence by the precinct board in determining a challenge. (§ 14241.)

### Challenge on Ground of Nonresidence or Non-Citizenship - Determination

A voter may not be challenged on the ground that the voter is not a resident of the precinct, or in an election conducted using a vote center, not a resident of the county, at which the voter is offering to vote if the person (1) is duly registered as a voter in any precinct in California and (2) has moved from that precinct within 14 days prior to an election. (§ 14242.)

If the challenge is on the ground that the person seeking to vote is not a resident of the precinct, or in an election conducted using a vote center, not a resident of the county, the person challenged shall be sworn to answer questions, and after having been sworn, a member of the precinct board shall ask that person: "Are you a resident of this precinct?" or in an election conducted using a voter center, "Are you a resident of the county?" If the answer to the question is "Yes," without significant qualification, no other questions shall be asked. (§ 14244.)

Challenges of voters that they are not residents of the precinct or citizens of the United States shall be tried and determined by the precinct board at the time of the challenge. The precinct board may, at its discretion, also request any other person, present in the polling place to be sworn and answer questions, who the board believes may have knowledge or information concerning the facts of the challenge. (§ 14247.)

### Challenge on Ground of Voting Second Time or Impersonation -Determination

If the challenge to a voter is on the ground either that the person challenged is not the person whose name appears on the roster, or that the person has voted that day, the challenge shall be determined in favor of the person challenged if that person takes the oath as set forth either in Section 14243 (in cases of questioned identity) or Section 14245 (in cases of alleged attempts to vote more than once in one election). (§ 14246.)

Pursuant to Section 14243, if the challenge to a voter is on the ground that the person seeking to vote is not the person whose name appears on the roster, a member of the precinct board shall tender the following oath: "You do swear (or affirm) that you are the person whose name is entered on the roster." (§ 14243.)

Pursuant to Section 14245, if the challenge is on the ground that the person challenged has already cast a ballot for this election, a member of the precinct board shall tender to the person challenged this oath: "You do swear (or affirm) that you have not previously voted in this election, either by vote-by-mail ballot or at a polling place." (§ 14245.)

#### Challenge - Prior to Oath

Before administering an oath to a person regarding their place of residence, a member of the precinct board shall read to the person challenged, the rules prescribed by Section 14249 and Division 2, Chapter 1, Article 2 (commencing with Section 2020). (§ 14248.)

#### Challenge - Refusal to Take Oath

If any person challenged refuses to take the oaths tendered, or refuses to be sworn and to answer the questions concerning the matter of residence, that person shall not be allowed to vote. (§ 14249.)

#### Challenge - Doubt Resolved in Favor of Voter

Any doubt in the interpretation of the law shall be resolved in favor of the challenged voter. (§ 14251.)

#### Determination of Residence

The precinct board, in determining the place of residence of any person, shall be governed by the rules set forth in Division 2, Chapter 1, Article 2 (commencing with Section 2020). (§ 14250.)

#### Determination of Residence and Domicile

"Residence" for voting purposes—i.e., when determining a person's eligibility to vote in a particular location—means a person's domicile. (§ 349(a).) The "domicile" of a person is that place in which their habitation is fixed, wherein the person has the intention of remaining, and to which, whenever the person is absent, the person has the intention of returning. At a given time, a person may have only one domicile. (§ 349(b).) By contrast, the residence of a person is that place in which the person's habitation is fixed for some period of time, but wherein the person does not have the intention of remaining. At a given time, a person may have more than one residence. (§ 349(c).)

The term of domicile is computed by including the day on which the person's domicile commenced and by excluding the day of the election. (§ 2020.)

A person who leaves their home to go into another state or precinct in this state for temporary purposes merely, with the intention of returning, does not lose their domicile. (§ 2021(a).) A person does not gain a domicile in any precinct into which the person comes for temporary purposes merely, without the intention of making that precinct their home. (§ 2021(b).)

If a person moves to another state with the intention of making it their domicile, the voter loses their domicile in this state. (§ 2022.)

If a person moves to another state as a place of permanent residence, with the intention of remaining there for an indefinite time, the person loses their domicile in this state, notwithstanding that the person intends to return at some future time. (§ 2023.)

The mere intention to acquire a new domicile, without the fact of removal avails nothing; neither does the fact of removal without the intention. (§ 2024.)

A person does not gain or lose a domicile solely by reason of their presence or absence from a place while employed in the service of the United States or of this state, nor while engaged in navigation, nor while a student of any institution of learning, nor while kept in an almshouse, asylum or prison. A student at an institution of learning

is not prevented from qualifying as an elector in the locality where the person domiciles while attending that institution, when in fact the student has abandoned their former domicile. (§ 2025.)

The place where a person's family is domiciled is their domicile unless it is a place for temporary establishment for their family or for transient objects. Residence in a trailer or vehicle or at any public camp or camping ground may constitute a domicile for voting purposes if the registrant complies with the other requirements of Division 2, Chapter 1, Article 2. (§ 2027.)

If a person has a family fixed in one place, and the person does business in another place, the former is the person's place of domicile. However, if the person having a family fixed in one place, has taken up an abode in another place with the intention of remaining, and the person's family does not so reside with the person, the person is a domiciliary where the person has so taken up the abode. A person may take up an abode at the same place at which the person does business. (§ 2028.)

The domicile of one spouse shall not be presumed to be that of the other, but shall be determined independently in accordance with Division 2, Chapter 1, Article 2. (§ 2029.)

A domiciliary of this state who marries a person employed temporarily in this state in the service of the United States government, may elect to retain their domicile for the purpose of qualifying as an elector only, except that their domicile in this state shall terminate if such domiciliary qualifies as an elector in any other state or any territory. (§ 2030.)

If a person has more than one residence and that person maintains a homeowner's property tax exemption on the dwelling of one of the residences pursuant to Section 218 of the Revenue and Taxation Code, there shall be a rebuttable presumption that the residence subject to the homeowner's property tax exemption is that person's domicile. However, this presumption shall not apply in the event any other residence is listed as the person's current residence address on any driver's license, identification card, or vehicle registration issued to that person by, and on file with, the Department of Motor Vehicles. If a person has more than one residence and that person claims a renter's tax credit for one of the residences pursuant to Section 17053.5 of the Revenue and Taxation Code, there shall be a rebuttable presumption that the residence subject to the renter's tax credit is that person's domicile. However, this presumption shall not apply in the event any other residence is listed as the person's current residence address on any driver's license, identification card, or vehicle registration issued to such person by, and on file with, the Department of Motor Vehicles. Section 2031 shall not be applicable to state or federal elected officials. (§ 2031.)

Except as provided in Division 2, Chapter 1, Article 2, if a person has more than one residence and that person has not physically resided at any one of the residences within the immediate preceding year, there shall be a rebuttable presumption that those residences in which the person has not so resided within the immediate preceding year are merely residences as defined in Section 349(c) and not their domicile— i.e., they are not residences for voting purposes. (§ 2032.)

A "rebuttable presumption" is a presumption that affects the burden of producing evidence. (§ 346.)

Whenever the house number or the mailing address of a voter has been changed and the voter's domicile is the same, the public agency authorizing the change shall notify the county elections official in writing of the change and the county elections official shall make the change on the voter's affidavit of registration and a new affidavit shall not be required. (§ 2033.)

A person domiciled in a house or apartment lying in more than one precinct shall be registered as domiciled in the precinct designated by the county elections official on the basis of the street address or other precinct the county elections official considers appropriate unless the person requests, either by letter or in person at the office of the county elections official, that the person wishes to be domiciled for registration purposes in another precinct in which their house or apartment lies. In order to fulfill this requirement, the letter of request shall include the name, signature, and residence address of the requester. (§ 2034.)

#### Certification of Registration

A certified copy of an uncanceled affidavit of registration from the county elections official is prima facie evidence that the person named in the entry is a voter of the county. (§ 2167.)

#### List of Challenges to Be Kept by Precinct Board

The precinct board shall compile a list showing all of the following (§ 14252):

- (a) The name and address of each person challenged.
- (b) The name, address, and any other identification as a voter, of each person offering information concerning any person's qualifications to vote, or testifying pursuant to Section 14247, together with the name and address and any other identification of the person about whom the information or testimony is given.
- (c) The grounds of each challenge.
- (d) The determination of the board upon the challenge, together with any written evidence pertaining thereto.
- (e) If evidence has been presented to the board requesting challenges, the evidence shall be returned to the elections official responsible for the conduct of the election.

#### Challenge - Discontinuation

In the event the precinct board determines that persistent challenging of voters is resulting in a delay of voting sufficient to cause voters to forego voting because of insufficient time or for fear of unwarranted intimidation, the board shall discontinue all challenges, and so note on the roster. (§ 14253.)

#### If Challenge Overruled, Voter to Be Given Ballot

If the challenge is overruled, the election officer shall give the voter a ballot and the voter shall be allowed to vote.

### **6. Receiving and Marking Ballots.**

#### One Ballot to Each Voter

The precinct board shall give each voter only one ballot, as provided in Section 13102. (§ 14278.)

#### Procedure if Insufficient Ballots at Precinct

If a precinct board is unable to furnish a ballot to a qualified voter because there is an insufficient number of ballots at the precinct, the elections official shall deliver to the precinct additional ballots to ensure that all eligible voters can cast their ballots within two hours. (§ 14299(a).)

While awaiting the delivery of additional ballots, the precinct board shall provide each voter with the option of casting their vote immediately using an alternative procedure established prior to the election or waiting for the delivery of the additional ballots. (§ 14299(b).)

This required alternative procedure shall be subject to approval by the Secretary of State. The elections official shall submit the alternative procedure to the Secretary of State for approval by a date to be determined by the Secretary of State. (§ 14299(c).)

#### Provide Facsimile Ballot to Voter

The precinct board shall provide, upon request, to a voter for use in the voting booth or compartment, a copy of the facsimile ballot containing ballot measures and instructions printed in Spanish or in other languages, as required by Section 14201, unless county voter information guides and ballots for voting are already being provided in that language under the federal Voting Rights Act of 1965 as amended by Public Law 94-73. (§ 14219.)

#### At Primary Elections, Voter to Receive Official Primary Ballot

All voting shall be by ballot. There shall be provided, at each polling place, at each election at which public officers are to be voted for, but one form of ballot for all candidates for public office, except that, for partisan primary elections, one form of ballot shall be provided for each qualified political party as well as one form of nonpartisan ballot, in accordance with Section 13102(b). (§ 13102(a).)

At partisan primary elections, each voter not registered as disclosing a preference for any one of the political parties participating in the election shall be furnished only a nonpartisan ballot, unless the voter requests a ballot of a political party and that political party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to disclose a party preference to vote the ballot of that political party. The nonpartisan ballot shall contain only the names of all candidates for nonpartisan offices, voter-nominated offices, and measures to be voted for at the primary election. Each voter registered as preferring a political party participating in the election shall be furnished only a ballot for which the voter disclosed a party preference in accordance with Section 2151 or 2152 and the nonpartisan ballot, both of which shall be printed together as one ballot in the form prescribed by Section 13207. (§ 13102(b).)

At partisan primary elections, before providing a voter who has declined to disclose a political party preference with a nonpartisan ballot or before the voter enters the voting booth, as applicable, a member of the precinct board shall provide a uniform notification to the voter informing the voter that they may request a political party's ballot and the name of each political party that has authorized a voter who has declined to disclose a political party preference to vote in its ballot. (§ 14227.5(a).)

A political party may adopt a party rule in accordance with Section 13012(b) that authorizes a person who has declined to disclose a party preference to vote the ballot of that political party at the next ensuing partisan primary election. The political party shall notify the party chair immediately upon adoption of that party rule. The party chair shall provide written notice of the adoption of that rule to the Secretary of State not later than the 135th day before the partisan primary election at which the vote is authorized. (§ 13102(c).)

The county elections official shall maintain a record of which political party's ballot was requested pursuant to Section 13102(b), or whether a nonpartisan ballot was requested, by each person who declined to disclose a party preference. The record shall be made available to any person or committee who is authorized to receive copies of the printed roster for primary and general elections pursuant to Section 2184. A record produced pursuant to Section 13102(d) shall be made available in either a printed or electronic format, as requested by the authorized person or committee. (§ 13102(d).)

#### Voter to Receive Ballot Only in Proper Precinct

Unless otherwise provided by law, no person shall apply for or receive any ballot at any precinct other than that in which the voter is entitled to vote. (§ 14279.)

#### Voter to Receive Ballot Only from Precinct Officer

Unless otherwise provided by law a voter shall not receive a ballot from any person other than one of the precinct officers. No person other than a precinct officer or officer authorized by law shall deliver a ballot to any voter. (§ 14280.)

#### Voter to Be Instructed on Marking Ballot and How to Mark

All ballots, except vote-by-mail voter ballots, shall be marked only with the marking device provided by law. (§ 14284(a).)

To prevent voters from marking their ballots with a pen or pencil, at the time of delivering a ballot to a voter, the precinct officer shall distinctly state that the voter shall mark the ballot with the device provided by law or

the ballot will not be counted. (§ 14284(b).)

#### Receipt of Ballot; Voting Booth Occupancy

On receiving a ballot, the voter shall forthwith retire alone to one of the booths or compartments provided, and mark the ballot, unless Section 14222 or 14224 is applicable. (§ 14281.)

Pursuant to Section 14222, nothing contained in the Elections Code shall prevent a voter from being accompanied by a child or children under the age of 18 years while the voter is within the voting booth area if the child is, or children are, under the voter's care.

Pursuant to Section 14224, except as provided in Section 14222, voting booths or compartments shall not be occupied by more than one person at a time, unless the voter is eligible under the assisted voter provisions (see below). (§ 14224(a).) Voters shall not remain in or occupy the booths or compartments longer than is necessary to mark their ballots, which shall not exceed 10 minutes. If a voter informs a precinct board member that the voter requires additional time to mark their ballot, a longer period shall be allowed. However, if the precinct board member determines that the voter is attempting to interfere with the conduct of the election and does not require additional time to mark their ballot, the precinct board member may contact the elections official, who may order that the voter not be provided with additional time to mark their ballot. (§ 14224(b).)

#### Voters Assisted - When and How

When a voter declares under oath, administered by any member of the precinct board at the time the voter appears at the polling place to vote, that the voter is then unable to mark a ballot, the voter shall receive the assistance of not more than two persons selected by the voter, other than the voter's employer, an agent of the voter's employer, or an officer or agent of the union of which the voter is a member. (§ 14282(a).)

The county elections official shall provide information on the county elections Internet Web site and in the county voter information guide informing voters that a voter who is unable to mark a ballot may bring up to two individuals to the polls to assist them in voting as specified in Section 14282(a). The information shall be available in all languages for which the county has requirements under Section 14201 and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.). (§ 14282(b).)

No person assisting a voter shall divulge any information regarding the marking of the ballot. (§ 14282(c).)

In those polling places that are inaccessible under the guidelines promulgated by the Secretary of State for accessibility by the physically handicapped, a physically handicapped person may appear outside the polling place and vote a regular ballot. The person may vote the ballot in a place that is as near as possible to the polling place and that is accessible to the physically handicapped. A precinct board member shall take a regular ballot to that person, qualify that person to vote, and return the voted ballot to the polling place. In those precincts in which it is impractical to vote a regular ballot outside the polling place, vote-by-mail ballots shall be provided in sufficient numbers to accommodate physically handicapped persons who present themselves on election day. The vote-by-mail ballot shall be presented to and voted by a physically handicapped person in the same manner as a regular ballot may be voted by that person outside the polling place. (§ 14282(d).)

#### Assisted Voters List

The precinct officers shall keep a list of the voters who have been assisted in marking their ballots. The list of assisted voters shall be returned to the elections official and preserved with other election materials and records. (§ 14283.)

#### When Two or More Are to Be Elected to Same Office

Where two or more candidates for the same office are to be elected, and the voter desires to vote for candidates for that office, the voter shall, by using the provided marking device, place a mark in the voting square, rectangle, or other specific voting space following the names of the candidates for that office for whom the voter

intends to vote, not exceeding, however, the number of candidates to be elected. (§ 14285.)

#### Measures to Be Voted On

When a measure is submitted to the voters, the voter shall place a mark on the ballot in the appropriate space opposite the answer the voter desires to give as to that measure. The voter, in marking the ballot, shall use the marking device provided. (§ 14286.)

#### Recall Election

In addition to the material contained in Section 11320, the following shall appear on ballots at all recall elections, except at a landowner voting district recall election (§ 11322):

- a. The names of the candidates nominated to succeed the officer sought to be recalled shall appear under each recall question.
- b. Following each list of candidates, the ballot shall provide one blank line with a voting space to the right of it for the voter to write in a name not printed on the ballot.

A voter shall indicate, by using the stamp or other marking device to place a mark in the voting space opposite either "Yes" or "No", his vote for or against the recall proposal, respectively. (§ 11323.)

#### No Identifying Marks on Ballot

No voter shall place personal information upon a ballot that identifies the voter. "Personal information" includes all of the following (§ 14287):

- (a) The signature of the voter.
- (b) The initials, name, or address of the voter.
- (c) A voter identification number.
- (d) A social security number.
- (e) A driver's license number.

#### Folding Ballot or Placing in an Envelope

Before leaving the voting booth or compartment, the voter shall, depending on the type of ballot: (1) fold or place the ballot card in the envelope so that the ballot markings of the voter will not be exposed, and the ballot stub will be outside of the envelope or other container, to be removed by the precinct board; or (2) fold the ballot according to the instructions on it, so that the marks on its face are not visible and only the number on the ballot and the top margin are exposed. (§§ 14275, 14292.)

#### Voter Shall Not Reveal Contents of Ballot - Exception

After the ballot is marked, a voter shall not show it to any person in a manner that reveals its contents, except a voter may voluntarily disclose how they voted if that voluntary act does not violate any other law. (§ 14291.)

#### Depositing Ballot in Ballot Container or Box

The voter shall hand the folded ballot or the envelope containing the ballot to a precinct board member who shall remove the ballot stub, hand it to the voter, and deposit the ballot in the ballot container, or for a folded ballot separate the slip containing the number from the ballot, hand the slip to the voter, and deposit the ballot in the ballot box in the presence of the voter. (§§ 14277, 14293.)

If the ballot is to be transferred from an envelope to the ballot container, care shall be taken not to disclose the markings of the voter on the ballot. (§ 14277.)

### Spoiled Ballots

If a voter spoils or defaces a ballot, the voter shall at once return it to the ballot clerk and receive another ballot. A voter shall not receive more than a total of three ballots, including their original ballot, in this manner. (§ 14288.)

### Cancellation of Spoiled Ballots

The precinct board shall immediately cancel, without unfolding them, all the spoiled ballots returned. The board shall write the word "spoiled" on the back of each spoiled ballot in ink or indelible pencil and return the spoiled ballots with the unused ballots. (§ 14290.)

### Cancelled Ballots

Any voter who does not vote the ballot the voter has received, shall, before leaving the polling place, return it to the board member having charge of the ballots, who shall immediately cancel it. All canceled ballots shall be returned to the ballot clerk in the same manner as spoiled ballots. (§ 14296.)

### Notation of Vote

No later than the time at which the voter delivers the voted ballot, a precinct board member in charge of the voter list shall write in the space opposite the name of the voter the line number designating the position of the name on the roster. In those counties using a combined roster, the voter's name shall be crossed off of the voter list in lieu of numbering. (§ 14297(a).)

In an election conducted using vote centers, or if an electronic poll book is used, only the electronic roster shall be updated. (§ 14297(b).)

### Delivery to Precinct Boards of Ballot

No voter shall deliver to any member of the precinct board any ballot other than the one received from the board member. (§ 14295.)

### Number Slip Removal

Members of the precinct board shall not deposit in the ballot container any ballot from which the slip containing the number of the ballot has not been removed by a member of the precinct board and handed to the voter. Section 14225 does not apply to a vote-by-mail ballot. (§ 14225.)

### Notice of Persons Voted

At all elections, a member of the precinct board shall mark, in the space provided on the voter list posted at or near the polling place, the name of each person who has voted, by drawing a line through the name of the voter, with a pen or indelible pencil. The board member shall mark off the names at least once each hour, to and including 6 p.m. In all counties not using the voter list, the board member shall draw a line under the last name signed in the roster at 6 p.m. or at the time of discontinuation of this procedure, whichever occurs last. (§ 14294(a).)

If an electronic poll book is used at the polling place, the elections official may use a printout or an electronic means of notification of the list of each person who has voted. The elections official shall provide the printout or electronic notification at least once each hour, to and including 6 p.m., or at the time of discontinuation of this procedure, whichever occurs last. (§ 14294(b).)

### Maintenance of Voter List



The precinct board shall maintain at least one printed copy of the voter list posted during the whole time of voting. The copies of the voter list shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14294. (§ 14298(a).)

A member of the precinct board shall post a notice on each voter list that reads as follows: "This voter list shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14294. Any person who removes, tears, marks, or otherwise defaces this voter list with the intent to falsify or prevent others from readily ascertaining the name, address, or political preference of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor." (§ 14298(b).)

If an electronic poll book is used, a notice shall be posted near the electronic poll book that reads as follows: "This electronic roster shall not be operated in any manner except by a member of the precinct board acting pursuant to Section 14294. Any person who tampers with, manipulates, or otherwise operates or interacts with this device with the intent to falsify or prevent others from readily ascertaining the name, address, or political preference of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor." (§ 14298(c).)

## **7. Vote-By-Mail and Military or Overseas Voters Voting.**

### Surrender of Vote-By-Mail Voter Ballot

Notwithstanding Section 14310(f), vote-by-mail voters who return to the polling place designated for their home precincts on or before election day, or go to a vote center established pursuant to Section 4005, or to the office or satellite office of an elections official where voting is permitted, shall be permitted to vote nonprovisional ballots if either of the following conditions is satisfied (§ 3015(a)):

- (1) They surrender their vote-by-mail voter ballots to the inspector of the precinct board, a member of the vote center election board, or the elections official.
- (2) They are unable to surrender their vote-by-mail voter ballots pursuant to paragraph (1) but the precinct board, vote center election board, or elections official does all of the following:
  - (A) Verifies that they have not returned their vote-by-mail ballots.
  - (B) Notates their voter records to ensure that their vote-by-mail ballots are not cast or tabulated after they vote at the polls.

The precinct board and vote center election board shall return the unused vote-by-mail voters' ballots surrendered pursuant to Section 3015(a) to the elections official in an envelope designated for this purpose. (§ 3015(b).)

### Provisional Ballot When Unable to Surrender Vote-By-Mail Voter Ballot

Vote-by-mail voters who return to the polling place designated for their home precincts on or before election day, or go to a vote center established pursuant to Section 4005, or to the office or satellite office of an elections official where voting is permitted, shall be issued a provisional ballot in accordance with Section 14310 if neither of the conditions in Section 3015(a) is satisfied. (§ 3016.)

### Return of Voted Vote-By-Mail Ballot

All vote-by-mail ballots cast under Division 3 shall be voted on or before the day of the election. After marking the ballot, the vote-by-mail voter shall do any of the following (§ 3017(a)(1)):

- (A) Return the ballot by mail or in person to the elections official who issued the ballot.
- (B) Return the ballot in person to a member of a precinct board at a polling place or vote center within the state.

- (C) Return the ballot to a vote-by-mail ballot dropoff location within the state that is provided pursuant to Section 3025 or 4005.<sup>1</sup>

A vote-by-mail voter who is unable to return the ballot may designate another person to return the ballot to the elections official who issued the ballot, to the precinct board at a polling place or vote center within the state, or to a vote-by-mail ballot dropoff location within the state that is provided pursuant to Section 3025 or 4005. (§ 3017(a)(2).) The ballot must be received by the elections official who issued the ballot, the precinct board, or the vote-by-mail ballot dropoff location before the close of the polls on election day. If a vote-by-mail ballot is returned to a precinct board at a polling place or vote center, or to a vote-by-mail ballot dropoff location, that is located in a county that is not the county of the elections official who issued the ballot, the elections official for the county in which the vote-by-mail ballot is returned shall forward the ballot to the elections official who issued the ballot no later than eight days after receipt. (§ 3017(a)(3).)

The elections official shall establish procedures to ensure the secrecy of any ballot returned to a polling place and the security, confidentiality, and integrity of any personal information collected, stored, or otherwise used pursuant to Section 3017. (§ 3017(b).)

The provisions of Section 3017 are mandatory, not directory, and a ballot shall not be counted if it is not delivered in compliance with Section 3017. (§ 3017(d).)

A person designated to return a vote-by-mail ballot shall not receive any form of compensation based on the number of ballots that the person has returned and an individual, group, or organization shall not provide compensation on this basis. (§ 3017(e)(1).)

For purposes of Section 3017(e), “compensation” means any form of monetary payment, goods, services, benefits, promises or offers of employment, or any other form of consideration offered to another person in exchange for returning another voter’s vote-by-mail ballot. (§ 3017(e)(2).)

A person in charge of a vote-by-mail ballot and who knowingly and willingly engages in criminal acts related to that ballot as described in Division 18 (commencing with Section 18000), including, but not limited to, fraud, bribery, intimidation, and tampering with or failing to deliver the ballot in a timely fashion, is subject to the appropriate punishment specified in that division. (§ 3017(e)(3).)

#### Receipt of Vote-By-Mail Ballot

All vote-by-mail ballots cast under Division 3 shall be received by the elections official from whom they were obtained or by the precinct board no later than the close of the polls on election day. (§ 3020(a).)

Notwithstanding Section 3020(a), any vote-by-mail ballot cast under Division 3 shall be timely cast if it is received by the voter's elections official via the United States Postal Service or a bona fide private mail delivery company no later than seven days after election day and either of the following is satisfied (§ 3020(b)):

- (1) The ballot is postmarked on or before election day or is time stamped or date stamped by a bona fide private mail delivery company on or before election day.
- (2) If the ballot has no postmark, a postmark with no date, or an illegible postmark, the vote-by-mail ballot identification envelope is date stamped by the elections official upon receipt of the vote-by-mail ballot from the United States Postal Service or a bona fide private mail delivery company, and is signed and dated pursuant to Section 3011 on or before election day.

For purposes of Section 3020(c), “bona fide private mail delivery company” means a courier service that is in the regular business of accepting a mail item, package, or parcel for the purpose of delivery to a person or entity whose address is specified on the item. (§ 3020(c).)

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<sup>1</sup>Section 3018 provides a procedure through which a voter using a vote-by-mail ballot can instead vote the ballot at the office of the elections official or a satellite location designated by the elections official.

A valid ballot cast shall by a military or overseas voter be counted if it is received by the elections official in accordance with Section 3020, as described here. (§ 3117.)

#### Vote-By-Mail Ballot After the Period for Requesting by Mail

After the close of the period for requesting vote-by-mail voter ballots by mail, a member of the following classes of voters may request in a written statement, signed under penalty of perjury, that a ballot be delivered to the voter:

- any voter unable to go to the polls because of illness or disability resulting in their confinement in a hospital, sanatorium, nursing home, or place of residence, or
- any voter unable because of a physical handicap to go to their polling place, or
- any voter unable because of a physical handicap to vote at their polling place due to existing architectural barriers at their polling place denying the voter physical access to the polling place, voting booth, or voting apparatus or machinery, or
- any voter unable to go to their polling place because of conditions resulting in the voter's absence from the precinct for an election.

This written statement shall not be required if the vote-by-mail voter ballot is voted in the office of the elections official as defined by Section 3018(b), at the time of the request. This ballot shall be delivered by the elections official to any authorized representative of the voter who presents this written statement to the elections official.

Before delivering the ballot the elections official may compare the signature on the request with the signature on the voter's affidavit of registration, but in any event, the signature shall be compared before the vote-by-mail voter ballot is canvassed.

The voter shall mark the ballot, place it in the identification envelope, fill out and sign the envelope and return the ballot, personally or through the authorized representative, to either the elections official or any polling place within the jurisdiction.

These ballots shall be processed and counted in the same manner as other vote-by-mail ballots. (§ 3021.)

#### Military or Overseas Voter May Register Upon Return to the County or Upon Requirement to Move

A military or overseas voter who is qualified pursuant to Section 300(b)(1) may apply in person to the voter's elections official for permission to register after the closing date of registration under the following conditions (§ 3108 (a)):

- (1) The military or overseas voter is released from service after the closing date of registration for an election, returns to the county of their residence, and is not a registered voter. To register, the elector shall furnish documentary proof that the voter was released from service after the closing date of registration for the election.
- (2) The military or overseas voter is required to move under official active duty military orders after the closing date of registration. To register, the elector shall furnish a copy of their official military orders.

On or before the day of election, or the first day a vote center opens, the elections official shall deliver to the precinct board a list of military or overseas voters who registered under Section 3108. (§ 3108(b).)

### Military or Overseas Voter Who Returns to the County

If any military or overseas voter to whom a vote-by-mail ballot has been mailed and which ballot has not been voted by the voter returns to the county in which the voter is registered, or for a military or overseas voter qualified pursuant to Section 321(b)(2), to the county in which the applicant's parent or legal guardian resided when the parent or legal guardian last lived within the territorial limits of the United States or the District of Columbia on or before election day, the voter may apply for a second vote-by-mail ballot pursuant to Section 3014. The elections official shall then issue another vote-by-mail ballot to the voter, or the elections official shall certify to the precinct board that the voter is eligible to vote in the election. (§ 3109.)

### Registered Military or Overseas Voters

If any military or overseas voter returns to the county of their residence, or for a military or overseas voter qualified pursuant to Section 321(b)(2), to the county in which the applicant's parent or legal guardian resided when the parent or legal guardian last lived within the territorial limits of the United States or the District of Columbia, after the final day for making application for a vote-by-mail voter ballot, the voter may appear before the elections official and make application for registration, vote-by-mail ballot, or both. The elections official shall register the voter, if the person is not registered, and deliver to them a vote-by-mail ballot, which may be voted in the elections official's office or voted outside the elections official's office on or before the close of the polls on the day of election and returned as are other vote-by-mail ballots. (§ 3110.)

## **8. Services Available at a Vote Center.**

For an election conducted using a vote center, a voter residing in that county may do any of the following at any vote center in the county (§ 4005(a)(2)(A)):

- (1) Return, or vote and return, their vote-by-mail ballot.
- (2) Register to vote, update their voter registration, and vote pursuant to Section 2170.
- (3) Receive and vote a provisional ballot pursuant to Section 3016 or Division 14, Chapter 3, Article 5 (commencing with Section 14310).
- (4) Receive a replacement ballot upon verification that a ballot for the same election has not been received from the voter by the county elections official. If the county elections official is unable to determine if a ballot for the same election has been received from the voter, the county elections official may issue a provisional ballot.
- (5) Vote a regular, provisional, or replacement ballot using accessible voting equipment that provides for a private and independent voting experience.

## **9. Retrieval of Ballots Prior to the Closing of the Polls.**

Notwithstanding any other provision of law, the county elections official may direct a precinct board to seal the ballot container prior to the closing of the polls, in accordance with the procedures set forth in Sections 14420 and 14421. (§ 14422(a)(1).)

Notwithstanding Section 14215, as soon as the container is sealed, the county elections official may direct at least two elections officials to remove the sealed ballot container of voted untallied ballots from the polling place and the presence of any bystanders and to deliver the container to a receiving center or central counting place as directed. (§ 14422(a)(2).)

At least 48 hours in advance of an election, the elections official shall notify the public of the dates, times, and places at which ballot containers will be delivered pursuant to Section 14422(a). (§ 14422(a)(3).)

Upon receipt of a container at a receiving center or central counting place pursuant to Section 14422(a), the county elections official may process the voted untallied ballots, but shall not tally the ballots or release any results prior to the closing of the polls. (§ 14422(b).)

These provisions shall not be construed as relieving a precinct board of its responsibility to account for ballots pursuant to Section 14405. (§ 14422(d).)

## **10. Closing the Polls.**

### Time of Closing Polls - Generally

The polls shall be kept open until 8 p.m. of the day of any election, except as provided in Sections 4005, 4007, and 14401. (§ 14212.) When the polls are closed, the precinct board shall proclaim that fact aloud at the place of election. After the proclamation, no ballot shall be received. However, if at the hour of closing there are any other voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. (§ 14401.)

Anyone who arrives at the polling place after the time provided for closing the polls shall not be entitled to vote, even though the polls are open when the voter arrives. (§ 14402.)

### Time for Closing of Polls Extended by Court Order

If the time for closing the polls is extended pursuant to a court order, all votes cast during the time that the closing of the polls is extended shall be by provisional ballot. Any provisional ballots pursuant to Section 14402.5 shall be separated and held apart from other provisional ballots cast by voters prior to the time the closing of the polls was extended. (§ 14402.5.)

### Time of Closing Polls - Municipal Elections in General Law Cities

The polls shall be open on the day of election between the hours that the governing body determines, for at least eight consecutive hours. The hours of opening and closing the polls shall be specified in the notice of election, or shall otherwise be the same as provided for general elections. (§ 10242.)

### Procedures Before and After the Close of Polls

Before or at the close of the polls, the county elections official may direct the precinct board to seal the ballot container and record on forms provided by the elections official the information needed for the reconciliation of ballots required by Section 14405. (§ 14420(c).)

Except as provided in Section 14420(c), before or as soon as the polls are closed, the precinct board shall remove the voted ballots from the ballot container and take them out of the secrecy envelopes or detach them from the secrecy stubs. Where the envelope or stub is also the write-in ballot, and a write-in vote has been registered thereon, the ballot card shall not be separated from the envelope or stub. If two or more separate ballot cards have been used in the election, the precinct board shall sort them into groups, each of which shall contain the same series of ballot cards. (§ 14420(a).)

After completing the action described in the preceding paragraph, the precinct board shall count the number of ballot cards in each group, and certify the number of ballots cast on the voting roster as provided by Section 14107. If there is any discrepancy between the number of voters listed in the roster and the number of ballots voted, this fact shall be noted with an explanation of the difference and signed by all the members of the precinct board. (§ 14420(b).)

Unless the county elections official has directed the precinct board to seal the ballot container and record information pursuant to Section 14420(c), the precinct board shall group voted ballot cards and voted separate write-in ballots, as directed by the elections official, and place them in containers. The board shall also place spoiled and void ballots, if any, in containers as directed by the elections official. All of these ballots, along with the containers for voted ballot cards, shall be placed in one or more boxes, which shall then be sealed and delivered as soon as possible to the receiving centers or central counting places with the unused ballots, supplies, and other materials as directed by the elections official. (§ 14421.)

Notwithstanding any other provision of law, the county elections official may direct a precinct board to seal the ballot container prior to the closing of the polls, in accordance with the procedures set forth in Sections 14420 and 14421. (§ 14422(a)(1).) Notwithstanding Section 14215, as soon as the container is sealed, the county elections official may direct at least two elections officials to remove the sealed ballot container of voted untallied ballots from the polling place and the presence of any bystanders and to deliver the container to a receiving center or central counting place as directed. (§ 14422(a)(2).) At least 48 hours in advance of an election, the elections official shall notify the public of the dates, times, and places at which ballot containers will be delivered pursuant to Section 14422(a). (§ 14422(a)(3).)

Section 14422 shall not be construed as relieving a precinct board of its responsibility to account for ballots pursuant to Section 14405. (§ 14422 (d).)

Notwithstanding Section 14420, in elections conducted using vote centers, at the end of each voting day, the precinct board shall remove the voted ballots from the ballot container and deliver them to the central receiving center pursuant to Section 14422. (§ 14428(a).) The precinct board shall certify to the election official the number of ballots cast at the vote center on the roster, as well as the number of ballots voted. If there is any discrepancy between the numbers, the discrepancy shall be noted with an explanation of the difference and signed by all members of the precinct board. (§ 14428(b).) The precinct board shall record on forms the information needed for the reconciliation of the ballots required by Section 14405. (§ 14428(c).)

For vote centers using tabulating equipment, the precinct board shall record the number of ballots cast on each voting device and securely seal the device to prevent additional ballots from being cast until the next day of voting. The precinct board shall record all seals used for this procedure on a log for each vote center. (§ 14428(d).)

#### Rendering Unused Ballots Unusable

Immediately upon the closing of the polls and before any voted ballot is taken from any of the ballot containers, the precinct board member shall, in the presence of all persons in the room who may desire to observe them, proceed to render the unused ballots unusable in one of the following ways (§ 14403(a)):

- (1) By drawing across its face, in ink or indelible pencil, two lines that cross each other, the cross to be more than three inches square. The precinct board member shall thereupon, immediately and before any ballots are taken from any ballot container, place all defaced ballots within an envelope or other receptacle provided for that purpose.
- (2) By tearing or cutting in a manner so that it is apparent that the ballot has been intentionally destroyed to prevent its use. If this method of destruction is used, it shall be done in a manner so that the serial number of the ballots is retained for the purpose of reconciliation.
- (3) By placing all of the unused ballots into a special container provided for that purpose. A tamperproof seal containing spaces for entering the total number of unused ballots enclosed, the beginning and ending serial numbers thereof, and signature lines for all members of the precinct board following a statement certifying that all the ballots were placed in the container in their presence and the information on the seal is true and correct, shall be provided. After signing the seal, it shall be placed on the container in a manner so that the container cannot be opened without tearing the seal.

Section 14403(a) does not apply to elections conducted using vote centers. (§ 14403(b).)

Immediately upon the arrival of the hour when the polls are required by law to be closed on election day, the elections official conducting the election shall openly, in the elections official's main office, in the presence of any persons who are present to observe, according to the procedure set forth in Section 14403, proceed to render every unused ballot remaining in the control of the elections official unusable. The elections official shall forthwith make and file an affidavit, in writing, as to the number of ballots destroyed. If the sealed container method is used, the tamperproof seal shall be signed by the elections official and at least one deputy or assistant elections official or registrar. The sealed container shall then be placed, with the sealed containers containing unused ballots from the precincts, in a security area by the elections official until disposition is made pursuant to Section 17301 or 17302. (§ 14404(a).)

Alternatively, the elections official may, immediately upon the arrival of the hour when the polls are closed, recycle for any other lawful purpose any unused ballots remaining in the control of the elections official that clearly identify the election for which they were prepared. No later than 30 days following the last day to certify the official results of the election, the elections official shall make and file an affidavit, in writing, as to the number of ballots recycled. At the elections official's discretion, the unused ballots may be recycled up to six months following an election, or at the conclusion of an election contest proceeding, whichever is later. (§ 14404(a).)

Section 14404 does not apply to elections conducted using vote centers. (§ 14404(b).)

#### Reconciliation of Ballots

The members of the precinct board shall account for the ballots delivered to them by returning a sufficient number of unused ballots to make up, when added to the number of official ballots cast and the number of spoiled and canceled ballots returned, the number of ballots given to them. The accounting of ballots may either take place at the polling place or be performed by the elections official at the central counting place. (§ 14405(a).)

The precinct board shall complete the roster as required in Section 14107, and shall also complete and sign the certificate of performance prescribed in Section 15280, if that section applies. (§ 14405(b).)

Section 14405 does not apply to elections conducted using vote centers. (§ 14405(c).)

#### Delivery of Ballots to Central Counting Place

If the ballots are to be counted at a central counting place, no fewer than two precinct board members shall, following the close of the polls, deliver the ballots, in a sealed container, to the central counting place or a designated receiving station. There may be two or more central counting places. (§ 15202.)

## V. Canvassing the Vote

### Summary

This chapter explains the procedures involved in counting the ballots after the polls close. Votes can be tabulated either in the precinct or at a pre-specified central location.

All proceedings at the central counting place, or counting places, if applicable, shall be open to the view of the public but no person, except one employed and designated for the purpose by the elections official or their authorized deputy, shall touch any ballot container. Access to the area where electronic data processing equipment is being operated may be restricted to those persons authorized by the elections official. (§ 15204.)

If the canvass is to take place in the precinct, as soon as the polls are finally closed, the precinct board shall commence to count the votes by taking the ballots cast, unopened, out of the box and counting them to ascertain whether the number of ballots corresponds with the number of signatures on the roster. The precinct board shall make a record upon the roster of the number of ballots in the ballot box, the number of signatures on the roster, and the difference, if any. (§ 15271.)

If votes are counted by means of a voting machine at a polling place or vote center, as soon as the polls are closed on election day, the precinct board, in the presence of the watchers and all others lawfully present, shall immediately lock the voting machine against voting and do all of the following: (1) Count the votes cast on voting machines and report the results. (2) Complete, sign, and return to the elections official all furnished forms requiring its signatures. When votes are counted on one or more voting machines at the precinct, all members of the precinct board, upon the completion of their duties, shall sign a certificate of performance. (§§ 15250, 15250.5(a), (b).)

A manual vote count in the precinct shall be public and shall be continued without adjournment until completed and the result is declared. (§ 15272.) If a ballot measure or office is voted upon in more than one county, no results will be made public until the polls close in all counties involved. (§ 15152.) At least four members of the precinct board will conduct the canvass of vote-by-mail ballots. (§ 15102; see also §§ 15276-15277 (requiring that for manual vote counts in the precinct, one member read from the ballot, another member keep watch of each vote to make sure the member reading the ballot does not make an error or omission, and two keep tally sheets).) All ballots should be inspected. Those ballots marked in any way other than provided by law will be rejected. (See page 48 for markings that do not render a ballot invalid.) Rejected ballots will be marked as such and placed in a package for that purpose. (§ 15154(a).)

Each precinct will keep two tally sheets. Sufficient space for tallying the votes cast for each candidate and for or against each ballot measure shall be provided. (§ 15277(a)(3).) After the votes for the entire ballot are read and tallied, the ballots shall not be further examined, but carefully sealed in a strong envelope. The signature of all precinct board members shall be written across the seal. (§ 15279.)

Page 51 lists the materials to be returned to the county elections official. If the returns from any precinct are incomplete, ambiguous, not properly authenticated, or otherwise defective, the elections official may issue and serve subpoenas requiring members of the precinct board to appear and be examined under oath concerning the manner in which votes were counted and the result of the count in their precinct. This procedure shall apply when ballots are tabulated manually or automatically at the polls. (§ 15303.)

A snap tally may be called if, before any election, the governing body of the jurisdiction holding the election decides that certain offices or ballot measures to be voted on are of more than ordinary public interest and require an early tabulation and announcement. The decision shall be transmitted to the elections official at least 30 days before the election. (§ 14440.)

Whenever the ballots at any election or from any precincts are to be tallied at a central place and not at the precincts, the elections official or secretary of the jurisdiction conducting the election shall specify the public place to



be used and give notice of that location. (§ 12109.) The elections official or authorized deputy shall segregate the persons employed to count the ballots into counting boards. These counting boards shall be deemed to be precinct boards, and are subject to all laws governing precinct boards where ballots are counted at the polling place. (§ 15207.) The count shall be public and shall be continued without adjournment until completed and the result is declared. (§ 15272; see also § 15204.)

If the ballots are to be counted at a central counting place, no fewer than two precinct board members shall, following the close of the polls, deliver the ballots, in a sealed container, to the central counting place or a designated receiving station. (§ 15202.)

## **1. Return and Counting Centers.**

### Establishing Return Centers

The elections official of the jurisdiction shall establish one or more election return centers for the purpose of facilitating the compilation of election returns and expediting their announcement to the public. (§ 15260(a).)

In establishing a return center, the elections official may designate a group of precincts which the center shall serve and this designation shall be available for public inspection no later than 15 days before the election. The election return center may be at any public place as the elections official designates. (§ 15260(b).)

### Establishing Counting Centers

The elections official may establish one or more centers to count ballots from designated precincts and transmit the results via voice telephone connection or facsimile transmission. The count shall be conducted in all other respects in accordance with the central counting provisions of Division 15, Chapter 3, Article 2 (commencing with Section 15200). The list of designated precincts for each counting center shall be available for public inspection no later than 15 days before the election. (§ 15261.)

### Proceedings Open to View of Public

All proceedings at the central counting place, or counting places, if applicable, shall be open to the view of the public but no person, except one employed and designated for the purpose by the elections official or their authorized deputy shall touch any ballot container. Access to the area where electronic data processing equipment is being operated may be restricted to those persons authorized by the elections official. (§ 15204.)

## **2. Vote Count in the Precinct.**

### Count of Ballots in the Ballot Box

As soon as the polls are finally closed, the precinct board shall commence to count the votes by taking the ballots cast, unopened, out of the box and counting them to ascertain whether the number of ballots corresponds with the number of signatures on the roster. The precinct board shall make a record upon the roster of the number of ballots in the ballot box, the number of signatures on the roster, and the difference, if any. (§ 15271.)

### Time to Begin Count

Neither the elections official, any member of a precinct board, nor any other person shall count any votes, either for a ballot proposition or candidate, until the close of the polls in that county. After that time, the ballots for all candidates and ballot propositions voted upon solely within the county shall be counted and the results of the balloting made public. However, the results for any candidate or ballot proposition also voted upon in another county or counties shall not be made public until after all the polls in that county and the other county or counties

have closed. This paragraph applies regardless of whether the counting is done by manual tabulation or by a vote-tabulating device. (§ 15152.)

Counting of Ballots at Polls

If votes are counted by means of a voting machine at a polling place or vote center, as soon as the polls are closed on election day, the precinct board, in the presence of the watchers and all others lawfully present, shall immediately lock the voting machine against voting and do all of the following (§§ 15250, 15250.5(a), (b)):

- (1) Count the votes cast on voting machines and report the results pursuant to Section 15250.5(b) and (c).
- (2) Complete, sign, and return to the elections official all furnished forms requiring its signatures. When votes are counted on one or more voting machines at the precinct, all members of the precinct board, upon the completion of their duties, shall sign a certificate of performance.

The certificate of performance shall be substantially in the following form:

Certificate of Performance

This certificate of performance is for polling place or vote center \_\_\_\_\_, for the \_\_\_\_\_ election, held on the \_\_\_\_\_ day of \_\_\_\_\_, (year).

We hereby certify ONE of the following: (Please check only the one that applies.)

(A) RESULTS OF VOTES CAST FROM ALL VOTING MACHINES ARE POSTED.

(1) The results of the votes cast form posted outside the polling place includes the total number of votes cast on each voting machine for each candidate for each office, and the total number of votes cast on each voting machine for and against each ballot measure.

(2) The results of votes cast form provided to the county elections official shows the same numbers.

(B) RESULTS OF VOTES CAST ARE NOT POSTED FOR VOTING MACHINES THAT RECORDED FEWER THAN 10 BALLOTS. RESULTS OF VOTES CAST ON ALL OTHER VOTING MACHINES ARE POSTED.

(1) The results of the votes cast form posted outside the polling place includes the total number of votes cast on each voting machine for each candidate for each office, and the total number of votes cast on each voting machine for and against each ballot measure, except as provided in paragraph (2).

(2) For each voting machine recording fewer than 10 ballots, only the number of ballots cast on that machine is posted.

(3) The results of votes cast form provided to the county elections official shows the same numbers.

(C) RESULTS OF VOTES CAST ARE NOT POSTED FOR ANY VOTING MACHINES BECAUSE FEWER THAN 10 BALLOTS WERE CAST IN THE PRECINCT.

In this case, only the number of ballots cast on each voting machine is posted and included on the results of votes cast form provided to the county elections official.

\_\_\_\_\_  
Inspector

\_\_\_\_\_  
Clerk

Assistant Inspector	Clerk
_____	_____
Judge	Clerk
_____	_____
Judge	Clerk

(D) RESULTS ARE A SUMMARY OF ALL PRECINCTS VOTING AT THE POLLING PLACE OR VOTER CENTER.

In this case, only the summary of votes for all precincts combined is reported. An additional report showing just the number of people who voted in each precinct may also be provided, but it will not show by precinct the votes cast for each candidate in each office. (§ 15250.5(b).)

The precinct board shall sign and post conspicuously on the outside of the polling place a copy of the results of votes cast form. The copy shall remain posted for at least 48 hours after the official time fixed for the closing of the polls. To protect a person's right to cast a secret ballot under California Constitution Article II, Section 7, in cases where fewer than 10 voters cast ballots on any single voting machine on which the results are tallied at the precinct, the precinct board shall post only the total number of people who voted on that voting machine, and shall not post the total number of votes cast on each voting machine for each candidate for each office or the total number of votes cast on each voting machine for and against each ballot measure. (§ 15250.5(c).)

Canvass Must Be Public

A manual vote count in the precinct shall be public and shall be continued without adjournment until completed and the result is declared. During the reading and tallying, the ballot read and the tally sheet kept shall be within the clear view of watchers. (§ 15272; see also § 15250.5.)

Board to Act as Group and Conduct Only One Count

Unless otherwise provided in the Elections Code, the precinct board members may not constitute themselves into separate squads in an attempt to conduct more than one manual count of the ballots at the same time. (§ 15273.)

Members May Relieve Each Other During Canvass of Vote

The members of the precinct board may relieve each other in the duties of manually counting ballots. (§ 15274.)

Procedures

Any ballot that is not marked as provided by law shall be rejected. The rejected ballots shall be placed in the package marked for voted ballots or in a separate container as directed by the elections official. All rejected ballots shall have written on the ballot the cause for rejection and be signed by the majority of processing board members who are assigned by the elections official to process ballots. (§ 15154(a).)

The following ballot conditions shall not render a ballot invalid: (1) Soiled or defaced. (2) Two or more impressions of the voting stamp or mark in one voting square. (3) Contains personal information, as defined in Section 14287. (§ 15154(b).)

If a voter indicates, either by a combination of both marking and writing in, a choice of more names than there are candidates to be elected or nominated for any office, or if for any reason the choice of the voter is impossible to determine, the vote for that office shall not be counted, but the remainder of the ballot, if properly marked, shall be counted. (§ 15154(c).)

In preparing the voted ballot cards for processing by automated tabulating equipment, any ballot that is torn, bent, or otherwise defective shall be corrected so that every vote cast by the voter shall be counted by the automatic tabulating equipment. If necessary, a true duplicate copy of the defective ballot card shall be made and

substituted therefor, following the intention of the voter insofar as it can be ascertained from the defective ballot. All duplicate ballots shall be clearly labeled "duplicate," and shall bear a serial number that shall be recorded on the damaged or defective ballot. (§ 15210.)

If paper ballots are used for vote-by-mail voting, the canvass may be conducted in accordance with Division 15, Chapter 1 (commencing with Section 15000), or the elections official may have a true duplicate copy of vote-by-mail paper ballots made on punchcard ballots, which shall be verified in the presence of witnesses. After verification the punchcard ballots shall be counted in the same manner as other punchcard ballots. (§ 15211.)

When manually tallying votes in the precinct, those ballots not rejected shall be placed in one pile, and the board shall proceed to count by tallying the vote for one or more offices or measures at a time. (§ 15275.) The precinct board members shall ascertain the number of votes cast for each person and for and against each measure in the following manner: One precinct board member shall read from the ballots. As the ballots are read, at least one other precinct board member shall keep watch of each vote so as to check on any possible error or omission on the part of the officer reading or calling the ballot. (§ 15276.)

### Write-In Candidates

Any name written upon a ballot for a qualified write-in candidate, including a reasonable facsimile of the spelling of a name, shall be counted for the office, if it is written in the blank space provided and voted as specified below (§ 15342):

- (a) For voting systems in which write-in spaces appear directly below the list of candidates for that office and provide a voting space, no write-in vote shall be counted unless the voting space next to the write-in space is marked or slotted as directed in the voting instructions, except as provided in Section 15342(f).
- (b) For voting systems in which write-in spaces appear separately from the list of candidates for that office and do not provide a voting space, the name of the write-in candidate, if otherwise qualified, shall be counted if it is written in the manner described in the voting instructions.
- (c) The use of pressure-sensitive stickers, glued stamps, or any other device not provided for in the voting procedures for the voting systems approved by the Secretary of State to indicate the name of the write-in candidate are not valid, and a name indicated by these methods shall not be counted.
- (d) Neither a vote cast for a candidate whose name appears on the ballot nor a vote cast for a write-in candidate shall be counted if the voter has indicated, by a combination of marking and writing, a choice of more names than there are candidates to be nominated or elected to the office.
- (e) All valid write-in votes shall be tabulated and certified to the elections official on forms provided for this purpose, and the write-in votes shall be added to the results of the count of the ballots at the counting place and be included in the official returns for the precinct.

Notwithstanding any other provision of law, no name written upon a ballot in any election shall be counted for an office or nomination unless the candidate whose name has been written on the ballot has complied with Division 8, Part 3 (commencing with Section 8600). (§ 15341.)

### Tally Sheets

When ballots are counted by hand in the precinct, two of the precinct board members shall each keep a tally sheet in a form prescribed by the elections official. Each tally sheet shall contain all of the following (§ 15277(a)):

- (1) The name of each candidate being voted for and the specific office for which each candidate is being voted. The offices shall be in the same order as on the ballot.
- (2) A list of each measure being voted upon.
- (3) Sufficient space to permit the tallying of the full vote cast for each candidate and for and against each measure.

The precinct board members keeping the tally sheets shall record opposite each name or measure, with pen or indelible pencil, the number of votes by tallies as the name of each candidate or measure voted upon is read aloud

from the respective ballot. (§ 15277(b).)

Immediately upon the completion of the tallies, the precinct board members keeping the tally shall draw two heavy lines in ink or indelible pencil from the last tally mark to the end of the line in which the tallies terminate and initial that line. The total number of votes counted for each candidate and for and against each measure shall be recorded on the tally sheets in words and figures. (§ 15277(c).)

Comparison of Vote-by-Mail Voters' List with Roster

On completion of the canvass of the returns for each election, the elections official shall compare the vote-by-mail voters' list with the roster for each precinct to determine if any voter cast more than one ballot at that election. (§ 15278.)

Tally of Votes Only as Prescribed by Law

When ballots are counted by hand in the precinct, no precinct board member may make any tally of votes in any other manner than is provided in Division 15, Chapter 3, Article 5, nor in any place other than on the tally sheets provided for that purpose. (§ 15278.5.)

Ballots to Be Sealed; Not to Be Examined Thereafter

The ballots, as soon as all of the names and measures marked on them as voted for are read and tallied, shall not thereafter be examined by any person, but, as soon as all are counted, shall be carefully sealed in a strong envelope. The signatures of each member of the precinct board shall be written across the seal. (§ 15279.)

Completion of Forms by Precinct Board

The precinct board shall complete, sign, and return to the elections official all furnished forms requiring its signatures. When votes are counted at the precinct, all members of the precinct board, upon the completion of their duties, shall sign a certificate of performance, which shall be substantially in the following form (§ 15280):

Certificate of Performance

for \_\_\_\_\_ precinct, for the \_\_\_\_\_ election, held on the \_\_\_\_\_ day of \_\_\_\_\_, (year).

We hereby certify that the total number of votes received by each candidate for each office and the total number of votes cast for and against each measure is as indicated on the tally sheets.

We further certify that the results of votes cast forms posted outside the polling place and transmitted to the county elections official show the total number of votes received by each candidate for each office and the total number of votes cast for and against each measure is as indicated.

_____	_____
Inspector	Clerk
_____	_____
Assistant Inspector	Clerk
_____	_____
Judge	Clerk
_____	_____
Judge	Clerk

Sign and Post Copy of Result

The precinct board shall sign and post conspicuously on the outside of the polling place a copy of the result of the votes cast. The copy shall remain posted for at least 48 hours after the official time fixed for the closing of the

polls. To protect a person's right to cast a secret ballot under California Constitution, Article II, Section 7, in cases where fewer than 10 voters cast ballots and the precinct board tallies the results at the precinct, the precinct board shall post only the total number of people who voted at the precinct. (§ 15281.)

#### Elections in General Law Cities - Procedure at Close of Polls

The votes shall be counted, the result of the votes cast shall be posted, the supplies and records of the election shall be returned to the city elections official and shall be disposed of by them in accordance with the provisions of the Elections Code governing elections generally, so far as they may be applicable. (§ 10260.)

### **3. Return of Supplies and Records.**

#### Supplies and Election Returns to Be Delivered to County Elections Official

The precinct board, as soon after the polls are closed as possible, shall prepare the supplies, including the copies of the voter list or roster posted at or near the polling place, and records of the election for delivery to the elections official. (§ 14430.)

The precinct board shall enclose and seal in one or more packages, as determined by the elections official, all voted, spoiled, canceled, or unused ballots. (§ 14431.)

The precinct board shall enclose and seal in one or two packages, as determined by the elections official, all of the following (§ 14432):

- (a) Two tally sheets, if ballots are to be tabulated manually at the precinct.
- (b) The roster. If an electronic poll book is used, either or both the electronic poll book and the electronic media containing the roster shall be secured and returned to the elections official.
- (c) The copy of the voter list. If an electronic voter list is used, either or both the electronic voter list and the electronic media containing the voter list shall be secured and returned to the elections official.
- (d) The challenge list.
- (e) The assisted voter's list.

#### Transmit Result of Vote

If ballots are counted at precincts pursuant to the write-in vote tally (Division 15, Chapter 4, Article 3, commencing with Section 15340) or one-percent manual tally procedures (Division 15, Chapter 4, Article 5, commencing with Section 15360), the precinct board immediately shall transmit, unsealed, to the elections official a statement showing the result of the votes cast at the polling place. The statement shall be open to public inspection. (§ 14433.)

#### Delivery of Sealed Packages by Two Members

The sealed packages containing the lists, papers, and ballots shall be delivered by two precinct board members without delay, unopened, to the elections official or to a receiving station designated by the elections official. (§ 14434.)

No list, tally, paper, or certificate returned from any election shall be set aside or rejected for want of form, nor because it is not strictly in accordance with the Elections Code, if it can be satisfactorily understood. (§ 14435.)

#### Subpoenas Requiring Precinct Board to Appear

If the returns from any precinct are incomplete, ambiguous, not properly authenticated, or otherwise defective, the elections official may issue and serve subpoenas requiring members of the precinct board to appear and be examined under oath concerning the manner in which votes were counted and the result of the count in their precinct. This provision shall apply when ballots are tabulated manually or automatically at the polls. (§ 15303.)

#### **4. Snap Tallies.**

##### Early Tabulation and Announcement

Before any election, the governing body of the jurisdiction holding the election shall decide that certain offices or measures to be voted on are of more than ordinary public interest and require an early tabulation and announcement. The decision shall be transmitted to the elections official at least 30 days before the election. (§ 14440.)

##### Special Forms for Snap Tally

The elections official shall prepare and forward to each selected precinct forms containing a list of the offices and measures designated as being of more than ordinary interest, and stating the number of ballots to be counted for the snap tally. In each general election, the special form shall, for each office listed on it, include the names of all candidates for that office whose names appear on the ballot. (§ 14441.)

The inspector at each selected precinct shall note the results of the count and the total number of votes cast in the precinct on the snap tally forms as soon as the designated number of ballots has been tallied. The inspector shall then communicate the figures in the manner directed by the elections official. In each general election, the figures shall include the votes cast for every candidate whose name appears on the ballot for an office listed on the forms. The inspector shall continue, each time the designated number of ballots has been tallied, to note and report the results as directed. (§ 14441.)

#### **5. Canvass at Central Place.**

##### Notice of Canvass by Elections Officials

Whenever the ballots at any election or from any precincts are to be tallied at a central place and not at the precincts, the elections official or secretary of the jurisdiction conducting the election shall specify the public place to be used and give notice thereof as follows (§ 12109):

- (a) By at least one publication in a newspaper of general circulation published in the jurisdiction where the election is to be held, provided that the publication is made at least 10 days before the day of the election.
- (b) If a newspaper of general circulation is not published in that jurisdiction, then by prominently posting the notice in the office of the elections official for at least 10 days before the day of the election.

##### Qualifications and Duties of Persons Selected to Count and Tally Ballots at a Central Place

A person may be employed to count, tally, and certify the ballots if the person is not a candidate at the election and if the person satisfies either of the following requirements (§ 15205(a)):

- (1) Has the qualifications required for a precinct board member.
- (2) Is a deputy or employee of either of the following:
  - (A) The governing board.
  - (B) The elections official.

No person selected to count ballots need reside in any particular precinct. (§ 15205(b).)

The elections official or authorized deputy shall segregate the persons employed to count the ballots into

counting boards. These counting boards shall be deemed to be precinct boards, and are subject to all laws governing precinct boards where ballots are counted at the polling place. (§ 15207.)

The elections official or any deputy authorized by the elections official may excuse or dismiss any person from any counting board and enforce the order. (§ 15206.)

As soon as the polls are closed, the precinct board shall, in the presence of the public, do all of the following (§ 15201(a)):

- (1) Seal the container used to transport voted ballots and insure that the precinct number, or in an election conducted using a voter center, the vote center number, is designated on the ballot container.
- (2) Certify, sign and seal the several packages or envelopes as directed by the elections official.
- (3) By at least two of their number, deliver the ballot container and packages to the elections official at the central counting place in the manner prescribed by the elections official. The ballot container and packages shall remain in their exclusive possession until delivered to the elections official.

Section 15201(a) also applies to ballots counted manually at a central location pursuant to Division 15, Chapter 3, Article 6 (commencing with Section 15290). (§ 15201(b).)

All proceedings at the central counting place, or counting places, if applicable, shall be open to the view of the public but no person, except one employed and designated for the purpose by the elections official or their authorized deputy, shall touch any ballot container. Access to the area where electronic data processing equipment is being operated may be restricted to those persons authorized by the elections official. (§ 15204; see also § 15290 (requiring counting boards that manually count ballots in a central place to do so "in the same manner as provided where ballots are counted at the polling place pursuant to" Division 15, Chapter 3, Article 5 (commencing with Section 15270)).)

#### Emergency - Impossible to Transport Ballots

In case of an emergency in which it becomes impossible to transport the ballots from the precinct to a central counting place, the elections official may direct that the ballots be counted at the precinct. In those cases, counting shall be conducted substantially in accordance with Division 15, Chapter 3, Article 5 (commencing with Section 15270). (§ 15213.)



## VI. Voting Systems

### Summary

All precinct board members must attend a training class on the use of voting machines and other precinct responsibilities unless appointed to fill an emergency vacancy. (§ 19340.)

All voting equipment shall be transferred to the polling places in charge of an authorized official, who shall certify to their delivery in good order. (§ 14112.) Paper ballots and the containers of the ballots that provide adequate protection for the ballots during storage and upon removing the ballots will also be provided. (§§ 14113, 14300(a).)

Before or as soon as the polls are closed, unless otherwise directed by the county elections official, the precinct board shall remove the voted ballots from the ballot container and take them out of the secrecy envelopes or detach them from the secrecy stubs. Where the envelope or stub is also the write-in ballot, and a write-in vote has been registered thereon, the ballot card shall not be separated from the envelope or stub. If two or more separate ballot cards have been used in the election, the precinct board shall sort them into groups, each of which shall contain the same series of ballot cards. (§ 14420(a), (c).) After completing the foregoing step, the precinct board shall count the number of ballot cards in each group, and certify the number of ballots cast on the voting roster as provided by Section 14107. If there is any discrepancy between the number of voters listed in the roster and the number of ballots voted, this fact shall be noted with an explanation of the difference and signed by all members of the precinct board. (§ 14420(b).) (See pages 42 through 44 for more information on procedures after the close of the polls.)

Unless directed otherwise by the county elections official pursuant to Section 14420(c), the precinct board shall group voted ballot cards and voted separate write-in ballots, as directed by the elections official, and place them in containers. The board shall also place spoiled and void ballots, if any, in containers as directed by the elections official. All of these ballots, along with the containers for voted ballot cards, shall be placed in one or more boxes, which shall then be sealed and delivered as soon as possible to the receiving centers or central counting places with the unused ballots, supplies, and other materials as directed by the elections official. (§ 14421.) (See pages 42 through 44 for more information.)

If votes are cast by means of a voting machine, the statement of the result of votes cast, which shall be certified by the precinct board, shall contain certain information, including certificates which shall be signed by the election officers before the polls are opened and which shall be filled out after the polls have been closed. (§ 19380.)

If votes are counted by means of a voting machine at a polling place or vote center, as soon as the polls are closed on election day, the precinct board, in the presence of the watchers and all others lawfully present, shall immediately lock the voting machine against voting and do all of the following (§§ 15250, 15250.5(a)):

- (1) Count the votes cast on voting machines and report the results pursuant to Section 15250.5(b) and (c).
- (2) Complete, sign, and return to the elections official all furnished forms requiring its signatures.

When votes are counted on one or more voting machines at the precinct, all members of the precinct board, upon the completion of their duties, shall sign a certificate of performance. (§§ 15250, 15250.5.) (See Section V. of this Digest: "Canvassing the Vote" for more information.)

Each qualified political party may employ, and have present at the central counting place or places, not more than two representatives to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the representatives in attendance at any or all phases of the election. (§ 15004(a).)

Any bona fide association of citizens or a media organization may employ, and may have present at the central counting place or places, not more than two representatives to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the representatives in attendance at any

or all phases of the election. (§ 15004(b).)

The county elections official may limit the total number of representatives of bona fide associations of citizens or media organizations in attendance to no more than 10 by a manner in which each interested bona fide association of citizens or media organization has an equal opportunity to participate. Any representative of a qualified political party employed and in attendance shall not be subject to this limit. (§ 15004(c).)

## **1. General Provisions.**

### Precinct Board Instruction

Any member of a precinct board who has not previously attended a training class in the use of the voting machines and the duties of a board member shall be required to do so, unless appointed to fill an emergency vacancy. (§ 19340.)

### Delivery of Voting Equipment

All voting equipment shall be transferred to the polling places in charge of an authorized official, who shall certify to their delivery in good order. (§ 14112.)

### Providing of Ballot Containers and Ballots

The containers of the ballots furnished to the polling places shall provide adequate protection for the ballots during storage and upon removing the ballots. (§ 14113.)

In the case of an election for a state or federal office not conducted using vote centers, each polling place using a direct recording electronic voting system, as defined by Section 19271, the elections official shall provide paper ballots equivalent to the following percentages (§ 14300(a)):

- (1) For a statewide general election, no less than 10% of the registered voters in the polling place.
- (2) For a statewide direct primary election, for each partisan ballot form for which at least 10% of the registered voters in the polling place are eligible to request, no less than 5% of the registered voters in the precinct eligible to request that ballot form at the polling place. For nonpartisan voters, the total number of paper ballots among all ballot forms that they are eligible to request shall be no less than 5% of registered nonpartisan voters at the polling place.
- (3) For any other state or federal election contest, no less than 5% of registered voters at the polling place.
- (4) For purposes of Section 14300, the number of registered voters shall be based on the registration on the 88th day prior to the day of the election.

In elections conducted using voter centers, the elections official shall provide a sufficient amount of ballot stock to be used for printing ballots in each vote center. (14300(f).)

Upon request, the precinct board shall provide a paper ballot to a voter, regardless of the availability of the direct recording electronic voting system, as long as supplies remain available. (§ 14300(c).)

The paper ballots described in Section 14300 may consist of provisional ballots. Any vote cast on a provisional ballot pursuant to Section 14300 by an otherwise qualified voter shall be counted as a regular ballot and shall not be subject to the requirements of Section 14310. (§ 14300(d), (e).)

### Electrical Failure or Other Emergency

In the case of electrical failure or other emergency, the official conducting the election may direct that ballots may be marked by pencil or ink. In that event, the elections official may duplicate the voted ballot cards as provided in Section 15210 and count the duplicate ballots by automatic tabulating device, or may count the voted ballots pursuant to Division 15, Chapter 3, Article 5 (commencing with Section 15270). (§ 19005.)

### Marking of Punchcard Ballots Used for Vote-By-Mail Voting

If punchcard ballots are used for vote-by-mail voting, the ballots shall be marked by pencil, or by a marking device that enables the voter to register their vote by punching or slotting the ballot card. Counting of punchcard ballots marked by pencil may be as with paper ballots, or a true duplicate copy of each ballot may be prepared using the same procedure as provided by Section 15271. Vote-by-mail ballots so prepared shall be counted by the counting device. (§ 13266.)

## **2. Closing the Polls.**

### Processing and Segregation of Voted Ballots After Close of Polls

See pages 42 through 44 for more information.

### Tabulation of Write-In Votes

Any name written upon a ballot for a qualified write-in candidate, including a reasonable facsimile of the spelling of a name, shall be counted for the office, if it is written in the blank space provided and voted as specified below (§ 15342):

- (a) For voting systems in which write-in spaces appear directly below the list of candidates for that office and provide a voting space, no write-in vote shall be counted unless the voting space next to the write-in space is marked or slotted as directed in the voting instructions, except as provided in Section 15342(f).
- (b) For voting systems in which write-in spaces appear separately from the list of candidates for that office and do not provide a voting space, the name of the write-in candidate, if otherwise qualified, shall be counted if it is written in the manner described in the voting instructions.
- (c) The use of pressure-sensitive stickers, glued stamps, or any other device not provided for in the voting procedures for the voting systems approved by the Secretary of State to indicate the name of the write-in candidate are not valid, and a name indicated by these methods shall not be counted.
- (d) Neither a vote cast for a candidate whose name appears on the ballot nor a vote cast for a write-in candidate shall be counted if the voter has indicated, by a combination of marking and writing, a choice of more names than there are candidates to be nominated or elected to the office.
- (e) All valid write-in votes shall be tabulated and certified to the elections official on forms provided for this purpose, and the write-in votes shall be added to the results of the count of the ballots at the counting place and be included in the official returns for the precinct.

## **3. Counting Procedure.**

### Counting Procedures

When votes are cast by means of a voting machine, before adjourning, the precinct board shall do all of the following (§ 19371):

- (1) Comply with the requirements of Section 15250.5.
- (2) Seal each voting machine with the seal or seals provided.
- (3) Lock the voting machines.

### Statement of Results of Votes Cast

If votes are cast by means of a voting machine, the statement of the result of votes cast, which shall be certified by the precinct board, shall contain (§ 19380):

- (a) The total number of votes cast.
- (b) The number of votes cast for each candidate and measure as shown on the statement of return of votes cast.
- (c) The number of votes for persons not nominated.
- (d) Printed directions to the precinct board for their guidance before the polls are opened and when the polls are closed.
- (e) A certificate which shall be signed by the election officers before the polls are opened, showing: (1) The delivery of the keys in a sealed envelope. (2) The number on the seal or seals. (3) The number registered on the protective counter. (4) Whether all of the counters are set at zero (000). (5) Whether the public counter is set at zero (000).
- (f) A certificate which shall be filled out after the polls have been closed, showing: (1) That the voting machine has been locked against voting and sealed. (2) The number of voters as shown on the public counter. (3) The number on the seal or seals. (4) The number registered on the protective counter. (5) That the voting machine is closed and locked.

The precinct board shall immediately transmit unsealed to the elections official a copy of the result of the votes cast at the polling place, the copy shall be signed by the members of the precinct board, and shall be open to public inspection. (§ 19381.)

### Check and Review of Tabulating Devices

Each qualified political party may employ, and have present at the central counting place or places, not more than two representatives to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the representatives in attendance at any or all phases of the election. (§ 15004(a).)

Any bona fide association of citizens or a media organization may employ, and may have present at the central counting place or places, not more than two representatives to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the representatives in attendance at any or all phases of the election. (§ 15004(b).)

The county elections official may limit the total number of representatives of bona fide associations of citizens or media organizations in attendance to no more than 10 by a manner in which each interested bona fide association of citizens or media organization has an equal opportunity to participate. Any representative of a qualified political party in attendance shall not be subject to this limit. (§ 15004(c).)

## VII. Penalty Provisions

### General Provisions

The penal provisions found in Division 18 apply to all elections. (§ 18000 et seq.)

Upon a conviction for any crime punishable by imprisonment in any jail or prison, in relation to which no fine is prescribed in the Elections Code, the court may impose a fine on the offender not exceeding one thousand dollars (\$1,000) in cases of misdemeanors or up to twenty-five thousand dollars (\$25,000) in cases of felonies, in addition to the imprisonment prescribed. (§ 18001.)

Every person charged with the performance of any duty under any law of this state relating to elections, who willfully neglects or refuses to perform it, or who, in their official capacity, knowingly and fraudulently acts in contravention or violation of any of those laws, is, unless a different punishment is prescribed by the Elections Code, punishable by fine not exceeding one thousand dollars (\$1,000) or by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months or two or three years, or by both that fine and imprisonment. (§ 18002.)

### Payment for Voting

A person shall not directly or through any other person pay or receive any money or other valuable consideration before, during, or after an election in order to reward any person or as a reward for voting for or against or agreeing to vote for or against the election or endorsement of any other person as the nominee or candidate of any caucus, convention, organized assemblage of delegates, or other body representing or claiming to represent a political party, candidate, or principle, or any club, society, or association. A violation of this prohibition shall be punishable by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months or two or three years. (§ 18310.)

### Electioneering at or Near Polls Prohibited

A person shall not, on election day, or at any time that a voter may be casting a ballot, within the 100 foot limit specified in subdivision (b), do any of the following: (§ 18370(a).)

- (1) Circulate an initiative, referendum, recall, or nomination petition or any other petition.
- (2) Solicit a vote or speak to a voter on the subject of marking the voter's ballot.
- (3) Place a sign relating to voters' qualifications or speak to a voter on the subject of the voter's qualifications except as provided in Section 14240.
- (4) Do any electioneering as defined by Section 319.5.

The activities described above are prohibited within 100 feet of either of the following: (§ 18370(b).)

- (1) The entrance to a building that contains a polling place as defined by Section 338.5, an elections official's office, or a satellite location specified in Section 3018.
- (2) An outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot.

A person shall not, on election day, or at any time that a voter may be casting a ballot, do any of the following within the immediate vicinity of a voter in line to cast a ballot or drop off a ballot: (§ 18370(c).)

- (1) Solicit a vote.
- (2) Speak to a voter about marking the voter's ballot.
- (3) Disseminate visible or audible electioneering information.
- (d) Any person who violates any of the provisions of this section is guilty of a misdemeanor.

### Notice Regarding Electioneering

Notice regarding the prohibitions on electioneering shall be provided to the public. (§ 18372.)

### Vandalism at Polling Places

A person, during any election, shall not do any of the following (§ 18380(a)):

- (1) Remove or destroy any of the supplies or other conveniences placed in the voting booths or compartments for the purpose of enabling the voter to prepare their ballot.
- (2) Remove, tear down, or deface the cards printed for the instruction of voters.
- (3) Remove, tear, mark, destroy, or otherwise deface any voter list or roster with the intent to falsify or prevent others from readily ascertaining the name, address, or political preference of any voter, or the fact that a voter has or has not voted.
- (4) Remove, tear down, or deface the signs identifying the location of a polling place or identifying areas within 100 feet of a polling place.

Any person who violates any of these prohibitions is guilty of a misdemeanor. (§ 18380(b).)

### Imitation of Ballot Paper

A person who makes, uses, keeps, or furnishes to others, paper or cards watermarked or overprinted in imitation of ballot paper or ballot cards is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months, two or three years, or by both that fine and imprisonment. (§ 18400.)

Every person who prints any ballot not in conformity with Division 13, Chapter 2 (commencing with Section 13100), or who circulates or gives to another any ballot, knowing at the time that the ballot does not conform to Division 13, Chapter 2 (commencing with Section 13100), is guilty of a misdemeanor. (§ 18401.)

### Voter Disclosure of Ballot

Any person other than an elections official or a member of the precinct board who receives a voted ballot from a voter or who examines or solicits the voter to show their voted ballot is punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months or two or three years, or in a county jail not exceeding one year, or by both that fine and imprisonment. Section 18403 shall not apply to persons returning a vote-by-mail ballot pursuant to Sections 3017 and 3021 or persons assisting a voter pursuant to Section 14282. (§ 18403.)

### Corruption of the Voting Process

Any person who commits fraud or attempts to commit fraud, and any person who aids or abets fraud or attempts to aid or abet fraud, in connection with any vote cast, to be cast, or attempted to be cast, is guilty of a felony, punishable by imprisonment for 16 months or two or three years. (§ 18500.)

Any public official who knowingly violates any of the provisions of Division 18, Chapter 6, and thereby aids in any way the illegal casting or attempting to cast a vote, or who connives to nullify any of the provisions of that chapter in order that fraud may be perpetrated, shall forever be disqualified from holding office in this state and upon conviction shall be sentenced to a state prison for 16 months or two or three years. (§ 18501.)

Any person who in any manner interferes with the officers holding an election or conducting a canvass, or with the voters lawfully exercising their rights of voting at an election, as to prevent the election or canvass from being fairly held and lawfully conducted, is punishable by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months or two or three years. (§ 18502.)

### Notice Regarding Prohibited Activities

Notice regarding the prohibitions on activity related to corruption of the voting process set forth in Chapter 6 of Division 18 of

the Elections Code shall be provided to the public. (§ 18504.)

#### Corruption of Voters - Promise of Employment

A person shall not directly or through another person give, offer, or promise any office, place, or employment, or promise to procure or endeavor to procure any office, place, or employment to or for any voter, or to or for any other person, in order to induce that voter at any election to:

- (a) Refrain from voting.
- (b) Vote for any particular person.
- (c) Refrain from voting for any particular person.

A violation of any of these provisions shall be punishable by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months or two or three years. (§ 18520.)

#### Corruption of Voters - Receipt of Consideration

A person shall not directly or through any other person receive, agree, or contract for, before, during or after an election, any money, gift, loan, or other valuable consideration, office, place, or employment for himself or any other person because he or any other person:

- (a) Voted, agreed to vote, refrained from voting, or agreed to refrain from voting for any particular person or measure.
- (b) Remained away from the polls.
- (c) Refrained or agreed to refrain from voting.
- (d) Induced any other person to:
  - (1) Remain away from the polls.
  - (2) Refrain from voting.
  - (3) Vote or refrain from voting for any particular person or measure.

Any person violating these prohibitions is punishable by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months or two or three years. (§ 18521.)

#### Corruption of Voters - Payment or Promise by Person or Controlled Committee

Neither a person nor a controlled committee shall directly or through any other person or controlled committee pay, lend, or contribute, or offer or promise to pay, lend, or contribute, any money or other valuable consideration to or for any voter or to or for any other person to:

- (a) Induce any voter to:
  - (1) Refrain from voting at any election.
  - (2) Vote or refrain from voting at an election for any particular person or measure.
  - (3) Remain away from the polls at an election.
- (b) Reward any voter for having:
  - (1) Refrained from voting.
  - (2) Voted for any particular person or measure.
  - (3) Refrained from voting for any particular person or measure.
  - (4) Remained away from the polls at an election.

Any person or candidate violating these prohibitions is punishable by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months or two or three years. (§ 18522.)

#### Bribery

A person shall not directly or through any other person advance or pay, or cause to be paid, any money or

other valuable thing to or for the use of any other person, with the intent that it, or any part thereof, shall be used in bribery at any election, or knowingly pay or cause to be paid any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any election. Any person violating this prohibition is punishable by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months or two or three years. (§ 18523.)

A person shall not directly or through any other person advance or pay, or cause to be paid, any money or other valuable thing to or for the use of any other person, with the intent that it, or any part thereof, will be used for boarding, lodging, or maintaining a person at any place or domicile in any election precinct, ward, or district, with intent to secure the vote of that person or to induce that person to vote for any particular person or measure. Any person violating this prohibition is punishable by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months or two or three years. (§ 18524.)

### Intimidation of Voters

Every person who makes use of or threatens to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months or two or three years. (§ 18540(a).)

Every person who hires or arranges for any other person to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months or two or three years. (§ 18540(b).)

A person shall not, with the intent of dissuading another person from voting, within the 100 foot limit specified in subdivision (b), do any of the following: (§ 18541(a).)

- (1) Solicit a vote or speak to a voter on the subject of marking the voter's ballot.
- (2) Place a sign relating to voters' qualifications or speak to a voter on the subject of the voter's qualifications except as provided in Section 14240.
- (3) Photograph, video record, or otherwise record a voter entering or exiting a polling place.
- (4) Obstruct ingress, egress, or parking.

The activities described above are prohibited within 100 feet of either of the following: (§ 18541(b).)

- (1) The entrance to a building that contains a polling place as defined by Section 338.5, an elections official's office, or a satellite location specified in Section 3018.
- (2) An outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot.

A person shall not, with the intent of dissuading another person from voting, do any of the following within the immediate vicinity of a voter in line to cast a ballot or drop off a ballot: (§ 18541(c).)

- (1) Solicit a vote.
- (2) Speak to a voter about marking the voter's ballot.
- (3) Disseminate visible or audible electioneering information.

A violation of the above provisions is punishable by imprisonment in a county jail for not more than 12 months, or in state prison. Any person who conspires to violate this section is guilty of a felony. (§ 18541(d).)

Every employer, whether a corporation or natural person, or any other person who employs, is guilty of a misdemeanor if, in paying their employees the salary or wages due them, encloses their pay in pay envelopes upon which or in which there is written or printed the name of any candidate or any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions



of the employees. (§ 18542.)

Every person who knowingly challenges a person's right to vote without probable cause or on fraudulent or spurious grounds, or who engages in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voters from voting or to delay the process of voting, or who fraudulently advises any person that they is not eligible to vote or is not registered to vote when in fact that person is eligible or is registered, or who violates Section 14240, is punishable by imprisonment in the county jail for not more than 12 months or in the state prison. (§ 18543(a).)

Every person who conspires to violate Section 18543(a) is guilty of a felony. (§ 18543(b).)

Any 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, who is stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate city or county elections official is punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months or two or three years, or in a county jail not exceeding one year, or by both that fine and imprisonment. (§ 18544(a).)

Section 18544(a) shall not apply to any of the following (§ 18544(b)):

- (1) An unarmed, uniformed guard or security personnel who is at the polling place to cast their vote.
- (2) A peace officer who is conducting official business in the course of their public employment or who is at the polling place to cast their vote.
- (3) A private guard or security personnel hired or arranged for by a city or county elections official.
- (4) A private guard or security personnel hired or arranged for by the owner or manager of the facility or property in which the polling place is located if the guard or security personnel is not hired or arranged solely for the day on which an election is held.

Any person who hires or arranges for any other 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 place without written authorization of the appropriate elections official is punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months or two or three years, or in a county jail not exceeding one year, or by both that fine and imprisonment. This shall not apply to the owner or manager of the facility or property in which the polling place is located if the private guard or security personnel is not hired or arranged solely for the day on which the election is held. (§ 18545.)

As used in Division 18, Chapter 6, Article 3 (Sections 18540-18548) (§ 18546):

- (a) "Elections official" means the county elections official, registrar of voters, or city clerk.
- (b) "Immediate vicinity" means the area within a distance of 100 feet from the room or rooms in which the voters are signing the roster and casting ballots.

#### Corruption of Voting – Fraud or Impersonation

Every person is guilty of a crime punishable by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months or two or three years, or in county jail not exceeding one year, who (§ 18560):

- (a) Not being entitled to vote at an election, fraudulently votes or fraudulently attempts to vote at that election.
- (b) Being entitled to vote at an election, votes more than once, attempts to vote more than once, or knowingly hands in two or more ballots folded together at that election.
- (c) Impersonates or attempts to impersonate a voter at an election.

#### Corruption of Voting – Assisting, Aiding, or Abetting

Every person is punishable by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months or two or three years who (§ 18561):

- (a) Procures, assists, counsels, or advises another to give or offer his vote at any election, knowing that the person is not qualified to vote.
- (b) Aids or abets in the commission of any of the offenses mentioned in Section 18560.

#### Corruption of Voting – Examination of Vote by Member of the Public

A member of the public is guilty of a misdemeanor if the person willfully engages in any of the conduct below while observing the processing of vote-by-mail ballots conducted pursuant to Division 15, Chapter 2 (commencing with Section 15100), the semifinal official canvass conducted pursuant to Division 15, Chapter 3 (commencing with Section 15150), the official canvass conducted pursuant to Division 15, Chapter 4 (commencing with Section 15300), or a recount conducted pursuant to Division 15, Chapter 9 (commencing with Section 15600) (§ 18562.5(a), (b)):

- (1) Attempting to ascertain the identity and ballot choices of a voter, or having observed or learned the identity of a voter, attempting to ascertain the ballot choices of that voter.
- (2) Opening a provisional or vote-by-mail ballot envelope containing a voted ballot in order to ascertain the voter's ballot choices.
- (3) Making or placing a mark or device on a ballot or secrecy envelope in an attempt to ascertain the voter's ballot choices.

#### Corruption of Voting – Examination of Vote by Precinct Board Member

Every member of a precinct board is guilty of a misdemeanor who, prior to putting the ballot of a voter in the ballot box, commits any of the following (§ 18562):

- (a) Attempts to find out any name on the ballot.
- (b) Opens or suffers to be opened or examined the folded ballot of any voter which has been handed in.
- (c) Makes or places any mark or device on any folded ballot with a view to ascertaining the name of any person for whom the voter has voted.

Every member of a precinct board is guilty of a misdemeanor who, without the consent of a voter, discloses the name of any candidate the board member has discovered in their capacity as a member of the board to have been voted for by the voter. (§ 18563.)

#### Corruption of Voting – Tampering with Voting System - Criminal Penalties

Any person is guilty of a felony, punishable by imprisonment pursuant to Section 1170(h) of the Penal Code for two, three, or four years who, before or during an election (§ 18564):

- (a) Tamper with, interferes with, or attempts to interfere with, the correct operation
- (b)
- (c)
- (d) of, or willfully damages in order to prevent the use of, any voting machine, voting device, voting system, vote tabulating device, or ballot tally software program source codes.
- (e) Interferes or attempts to interfere with the secrecy of voting or ballot tally software program source codes.
- (f) Knowingly, and without authorization, makes or has in their possession a key to a voting machine that has been adopted and will be used in elections in this state.
- (g) Willfully substitutes or attempts to substitute forged or counterfeit ballot tally software program source codes.

Any person who aids or abets in the commission of any of the offenses described in Section 18564 (listed

above) is punishable by imprisonment in the county jail for a period of six months or in the state prison for 16 months or two or three years. (§ 18565.)

#### Corruption of Voting – Tampering with Voting System - Civil Penalties

The Secretary of State, Attorney General, and any local elections official in the county in which the act occurs, may bring a civil action—for a civil penalty not to exceed fifty thousand dollars (\$50,000) for each act and for injunctive relief, if appropriate—against an individual, business, or other legal entity that commits any of the following acts before, during, or after an election (§ 18564.5.):

- (1) Tamper, interferes, or attempts to interfere with the correct operation of, or willfully damages in order to prevent the use of, any voting machine, voting device, voting system, vote tabulating device, or ballot tally software.
- (2) Interferes or attempts to interfere with the secrecy of voting or interferes or attempts to interfere with ballot tally software program source codes.
- (3) Knowingly, and without authorization, gains access to or provides another person or persons with access to a voting machine for the purpose of committing one of the acts specified by Section 18564.5.
- (4) Willfully substitutes or attempts to substitute forged, counterfeit, or malicious ballot tally software program source codes.
- (5) Knowingly, and without authorization, inserts or causes the insertion of uncertified hardware, software, or firmware, for whatever purpose, into any voting machine, voting device, voting system, vote tabulating device, or ballot tally software.
- (6) Fails to notify the Secretary of State prior to any change in hardware, software, or firmware to a voting machine, voting device, voting system, or vote tabulating device, certified or conditionally certified for use in this state.

#### Corruption of Voting – Forgery or Alteration of Returns; Changing Ballots, Wrongfully Adding or Subtracting Ballots

Every person is punishable by imprisonment pursuant to Section 1170(h) of the Penal Code for two, three, or four years who (§ 18566):

- (a) Forges or counterfeits returns of an election purported to have been held at a precinct where no election was in fact held.
- (b) Willfully substitutes forged or counterfeit returns of election in the place of true returns for a precinct where an election was actually held.

Every person who willfully adds to or subtracts from the votes actually cast at an election, in any official or unofficial returns, or who alters the returns, is punishable by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months or two or three years. (§ 18567.)

Every person is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months or two or three years, or by both that fine and imprisonment, who (§ 18568):

- (a) Aids in changing or destroying any poll list or official ballot.
- (b) Aids in wrongfully placing any ballots in the ballot container or in taking any therefrom.
- (c) Adds or attempts to add any ballots to those legally polled at any election by fraudulently putting them into the ballot container, either before or after the ballots therein have been counted.
- (d) Adds to or mixes with, or attempts to add to or mix with, the ballots polled, any other ballots, while they are being counted or canvassed or at any other time, with intent to change the result of the election, or allows another to do so, when in the person's power to prevent it.
- (e) Carries away or destroys, attempts to carry away or destroy, or knowingly allows another to carry away or destroy, any poll list, ballot container, or ballots lawfully polled or who willfully detains, mutilates, or destroys any election returns.
- (f) Removes any unvoted ballots from the polling place before the completion of the ballot count.

- (g) Displays a container for the purpose of collecting ballots, with the intent to deceive a voter into casting a ballot in an unofficial ballot box. Evidence of intent to deceive may include using the word "official" on the container, or otherwise fashioning the container in a way that is likely to deceive a voter into believing that the container is an official collection box that has been approved by an elections official.
- (h) Directs or solicits a voter to place a ballot in a container prohibited by subdivision (g).

Every person who aids or abets in the commission of any of the offenses mentioned in Section 18566, 18567, or 18568 is punishable by imprisonment in the county jail for the period of six months or in the state prison for 16 months or two or three years. (§ 18569.)

Corruption of Voting – Interference with or Alteration of Posted Result

Every person is guilty of a misdemeanor who does any one of the following (§ 18570):

- (a) Removes or defaces any posted copy of the results of votes cast within the period of 48 hours from the official time fixed for the closing of the polls.
- (b) Delays delivery of or changes the copy of the result of votes cast that is to be delivered to the city or county elections official.

Corruption of Voting – Unlawful Acts of Counting Board

Any person acting on any counting board who refuses to obey any lawful order of the county elections official or their deputy is guilty of a misdemeanor, unless they are by their refusal guilty of a higher crime under the laws of this state. (§ 18571.)

Each counting board and its members are subject to the liabilities and penalties to which precinct boards or their members are subject where the votes and returns are counted at the precincts where they were polled. (§ 18572.)

Corruption of Voting – Misleading Voter

Every person is guilty of a felony punishable by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months or two or three years who furnishes any voter wishing to vote, who cannot read, with a ballot, informing or giving that voter to understand that it contains a name written or printed thereon different from the name which is written or printed thereon, or defrauds any voter at any election by deceiving and causing the voter to vote for a different person for any office than they intended or desired to vote for. (§ 18573.)

It is a misdemeanor for a person who is providing care or direct supervision to an elder in a state-licensed or state-subsidized facility or program to coerce or deceive the elder into voting for or against a candidate or measure contrary to the elder's intent or in the absence of any intent of the elder to cast a vote for or against that candidate or measure. Here, "elder" has the same meaning as set forth in Section 15610.27 of the Welfare and Institutions Code, which defines "elder" as any person residing in this state, 65 years of age or older. (§ 18573.5(a), (b).)

A violation of Section 18573.5 is punishable by imprisonment in a county jail not to exceed six months or by a fine not to exceed ten thousand dollars (\$10,000) per ballot containing a vote cast by the elder as a result of the coercion or deception or by both that imprisonment and fine, and nothing in Section 18573.5 shall preclude prosecution under any other provision. (§ 18573.5(c), (d).)

Corruption of Voting – Refusal to Answer Precinct Board Questions

Every person who, after being required by the precinct board at an election, refuses to be sworn or, being sworn, refuses to answer any pertinent questions propounded by the board touching the right of another to vote, is guilty of a misdemeanor. (§ 18574.)

Corruption of Voting – Falsely Acting as Elections Official

Every person is guilty of a felony, and on conviction shall be punished by imprisonment pursuant to Section 1170(h) of the Penal Code for two, three or four years, who at any election (§ 18575):

- (a) Without first having been appointed and qualified, acts as an election officer.
- (b) Not being an election officer, performs or discharges any of the duties of an election officer in regard to the handling, counting, or canvassing of any ballots.

#### Corruption of Vote-By-Mail Voting

Any person who willfully (a) interferes with the prompt delivery of a completed vote-by-mail ballot application, (b) retains a completed vote-by-mail ballot application, without the voter's authorization, for more than three days excluding weekends and state holidays, or by the deadline for return of vote-by-mail ballot applications, whichever is earlier, or (c) denies an applicant the right to return their own completed vote-by-mail ballot application to the local elections official having jurisdiction over the election, is guilty of a misdemeanor. (§ 18576.)

Any person having charge of a completed vote-by-mail ballot who willfully interferes or causes interference with its return to the local elections official having jurisdiction over the election is guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding six months, by a fine not exceeding \$10,000, or by both the fine and imprisonment. (§ 18577.)

Any person who applies for, or who votes or attempts to vote, a vote-by-mail ballot by fraudulently signing the name of a fictitious person, or of a regularly qualified voter, or of a person who is not qualified to vote, is guilty of a felony punishable by imprisonment pursuant to Section 1170(h) of the Penal Code for 16 months or two or three years, by a fine not exceeding one thousand (\$1,000), or by both that fine and imprisonment. (§ 18578.)

## VIII. Elections Code Sections Only Affecting Certain Counties

### Pilot Program for San Diego County – All-Mailed Ballot Special Election or Special Consolidated Election

Notwithstanding Section 4000 or any other law, as a pilot program, an all-mailed ballot special election or special consolidated election in San Diego County may be conducted by an eligible entity if the special election or special consolidated election is any of the following (§ 4000.5(a)):

- (1) A special election to fill a vacancy in a congressional or legislative office.
- (2) A special election to fill a vacancy in the legislative body or governing body.
- (3) A special election conducted pursuant to Division 9, Chapters 2 (commencing with Section 9100), 3 (commencing with Section 9200), 4 (commencing with Section 9300), 5 (commencing with Section 9400), or 6 (commencing with Section 9500), or Division 11, Chapter 3 (commencing with Section 11200).

A special election or a consolidated election conducted pursuant to Section 4000.5(a) must meet certain requirements, including but not limited to the following (§ 4005(b)):

At least one polling place is provided per eligible entity or the polling places are fixed in a manner so that there is one polling place for every 10,000 registered voters within the jurisdiction of the eligible entity, as determined on the 88th day before the day of the election, whichever results in more polling places. A polling place shall allow a voter to request and vote a ballot between 7 a.m. and 8 p.m. on the day of the election. (§ 4000.5(b)(5)(A).)

The polling places provided under Section 4000.5 shall be established at accessible locations and shall be equipped with voting units or systems that are accessible to individuals with disabilities and that provide the same opportunity for access and participation as is provided to voters who are not disabled, including the ability to vote privately and independently in accordance with Sections 12280 and 19240. (§ 4000.5(b)(5)(C).)

If a polling place consolidates one or more precincts for which the elections official is required to recruit precinct board members who are fluent in a language in addition to English pursuant to the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), the elections official shall ensure that the polling place is staffed by precinct board members who speak that language. (§ 4000.5(b)(5)(D).)

If a polling place consolidates one or more precincts for which the elections official is required to recruit precinct board members who are fluent in a language in addition to English pursuant to Section 12303(c), the elections official shall make reasonable efforts to ensure that the polling place is staffed by precinct board members who speak that language. (§ 4000.5(b)(5)(E).)

### Elections Conducted Using Vote Centers – All Counties Other Than Los Angeles

Notwithstanding Section 4000 or any other law, any county other than the County of Los Angeles may conduct any election as an all-mailed ballot election if all of the following apply (§ 4005(a)):

- (1) (A) At least two ballot dropoff locations are provided within the jurisdiction where the election is held or the number of ballot dropoff locations are fixed in a manner so that there is at least one ballot dropoff location provided for every 15,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election, whichever results in

more ballot dropoff locations. For purposes of this subparagraph, a vote center that includes an exterior ballot drop box counts only as a single ballot dropoff location. Ballot dropoff locations shall comply with the regulations adopted pursuant to Section 3025(b).

(B) A ballot dropoff location provided for under Section 4005 consists of a secure, accessible, and locked ballot box located as near as possible to established public transportation routes and that is able to receive voted ballots. All ballot dropoff locations shall be open at least during regular business hours beginning at least 28 days before the day of the election, and on the day of the election. At least one ballot dropoff location shall be an accessible, secured, exterior drop box that is available for a minimum of 12 hours per day including regular business hours.

(2) (A) The county elections official permits a voter residing in the county to do any of the following at a vote center:

- (i) Return, or vote and return, their vote-by-mail ballot.
- (ii) Register to vote, update their registration, and vote pursuant to Section 2170.
- (iii) Receive and vote a provisional ballot pursuant to Section 3016 or Division 14, Chapter 3, Article 5 (commencing with Section 14310).
- (iv) Receive a replacement ballot upon verification that a ballot for the same election has not been received from the voter by the county elections official. If the county elections official is unable to determine if a ballot for the same election has been received from the voter, the county elections official may issue a provisional ballot.
- (v) Vote a regular, provisional, or replacement ballot using accessible voting equipment that provides for a private and independent voting experience.

(B) Each vote center shall have at least three voting machines that are accessible to voters with disabilities.

(3) (A) On the day of the election, from 7 a.m. to 8 p.m., inclusive, and on each of the three days before the election, for a minimum of eight hours per day, at least one vote center is provided for every 10,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election. At least 90% of the number of vote centers required by this subparagraph shall be open for all four days during the required times. Up to 10% of the number of vote centers required by this subparagraph may be open for less than four days if at least one vote center is provided for every 10,000 registered voters on each day.

(B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 20,000 registered voters, a minimum of two voter centers are provided on the day of the election and on each of the three days before the election within the jurisdiction where the election is held.

(4) (A) Beginning 10 days before the day of the election and continuing daily up to and including the fourth day before the election, for a minimum of eight hours per day, at least one vote center is provided for every 50,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election.

(B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 50,000 registered voters, a minimum of two vote centers are provided within the jurisdiction where the election is held.

(C) The vote centers provided under Section 4005 are established in accordance with the accessibility requirements described in Division 12, Chapter 3, Article 5 (commencing with Section 12280), the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(D) The vote centers provided under Section 4005 are equitably distributed across the county so as

to afford maximally convenient options for voters and are established at accessible locations as near as possible to established public transportation routes. The vote centers shall be equipped with voting units or systems that are accessible to individuals with disabilities and that provide the same opportunity for access and participation as is provided to voters who are not disabled, including the ability to vote privately and independently in accordance with Sections 12280 and 19240.

- (E) (i) The vote centers provided under Section 4005 have an electronic mechanism for the county elections official to immediately access, at a minimum, all of the following voter registration data:
  - (I) Name.
  - (II) Address.
  - (III) Date of birth.
  - (IV) Language preference.
  - (V) Party preference.
  - (VI) Precinct.
  - (VII) Whether or not the voter has been issued a vote-by-mail ballot and whether or not a ballot has been received by the county elections official.

- (ii) The electronic mechanism used to access voter registration data shall not be connected in any way to a voting system.

(5) A method is available for voters with disabilities to request and receive a blank vote-by-mail ballot and, if a replacement ballot is necessary, a blank replacement ballot that voters with disabilities can read and mark privately and independently pursuant to the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).

(6) (A) Except as otherwise provided for in Section 4005, election boards for the vote centers established under Section 4005 meet the requirements for eligibility and composition pursuant to Division 12, Chapter 4, Article 1 (commencing with Section 12300).

(B) Each vote center provides language assistance in all languages required in the jurisdiction under Section 12303(c) or Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) in a manner that enables voters of the applicable language minority groups to participate effectively in the electoral process. Each shall post information regarding the availability of language assistance in English and all other languages for which language assistance is required to be provided in the jurisdiction under Section 12303(c) or Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

- (i) If a vote center is located in, or adjacent to, a precinct, census tract, or other defined geographical subsection required to establish language requirements under Section 12303(c) or Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), or if it is identified as needing language assistance through the public input process described in clause (ii), the county elections official shall ensure that the vote center is staffed by election board members who speak the required language. If the county elections official is unable to recruit election board members who speak the required language, alternative methods of effective language assistance shall be provided by the county elections official.



(ii) The county elections official shall solicit public input regarding which vote centers should be staffed by election board members who are fluent in a language in addition to English pursuant to Section 12303(c) and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(iii) The county elections official shall provide notice in the sample ballot, in vote-by-mail materials, and on the official's internet website of the specific language services available at each vote center.

(C) Each vote center provides election materials translated in all languages required in the jurisdiction under Section 14201(a) and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(D) Each vote center provides reasonable modifications and auxiliary aids and services as required by the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 701 et seq.).

(7) (A) Beginning 10 days before the election, the county elections official maintains, in an electronic format, an index of voters who have done any of the following at one of the voter centers established pursuant to Section 4005:

(i) Registered to vote or updated their voter registration.

(ii) Received and voted a provisional ballot or replacement ballot.

(iii) Voted a ballot using equipment at the vote center.

(B) The index required by subparagraph (A) includes the same information for each voter as is required to be included on copies of the roster that are posted pursuant to Section 14294. The index required by subparagraph (A) shall be updated continuously during any time that a vote center is open in the jurisdiction.

(8) (A) Beginning 29 days before the day of the election, the county elections official mails to each registered voter a vote-by-mail ballot packet that includes a return envelope with instructions for the use and return of the vote-by-mail ballot.

(B) The county elections official delivers to each voter, with either the sample ballot sent pursuant to Section 13303 or with the vote-by-mail ballot packet, all of the following:

(i) A notice, translated in all languages required under Section 14201(a) and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), that informs voters of all of the following:

(I) An all-mailed ballot election is being conducted and each eligible voter will be issued a vote-by-mail ballot by mail.

(II) The voter may cast a vote-by-mail ballot in person at a vote center during the times and days specified in subparagraph (A) of paragraph (4) or on election day.

(III) No later than seven days before the day of the election, the voter may request the county elections official to send a vote-by-mail ballot in a language other than English pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or a facsimile copy of the ballot printed in a language other than English pursuant to Section 14201.

(IV) No later than seven days before the day of the election, the voter may request the county elections official to send or deliver a ballot that voters with disabilities can read and mark privately and independently pursuant to the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).

- (ii) A list of the ballot dropoff locations and vote centers established pursuant to Section 4005, including the dates and hours they are open. The list shall also be posted on the internet website of the county elections official in a format that is accessible for people with disabilities pursuant to Section 11135 of the Government Code.
- (iii) A postage-paid postcard that the voter may return to the county elections official for the purpose of requesting a vote-by-mail ballot in a language other than English or for the purpose of requesting a vote-by-mail ballot in an accessible format.

(C) Upon request, the county elections official provides written voting materials to voters with disabilities in an accessible format, as required by the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 701 et seq.).

Notwithstanding Section 4000 or any other law, any county may conduct a special election as an all-mailed ballot election under Section 4005 if all of the following apply (§ 4005(b).):

- (1) The county elections official has done either of the following:
  - (A) Previously conducted an election as an all-mailed ballot election in accordance with Section 4005(a).
  - (B) Adopted a final plan for the administration of elections pursuant to Section 4005(a)(9)(E)(i), in which case the county elections official shall complete all activities provided for in the voter education and outreach plan that is required by Section 4005(a)(9)(I)(i) before the day of the special election.
- (2) (A) On the day of election, from 7 a.m. to 8 p.m., inclusive, at least one vote center is provided for every 30,000 registered voters. If the jurisdiction is not wholly contained within the county, the county elections official shall make a reasonable effort to establish a vote center within the jurisdiction where the special election is held.
  - (B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 30,000 registered voters, the county elections official makes a reasonable effort to establish a vote center.
- (3) (A) At least 10 days before the day of the election, for a minimum of eight hours per day, at least one vote center is provided for every 60,000 registered voters. If the jurisdiction is not wholly contained within the county, the county elections official shall make a reasonable effort to establish a vote center within the jurisdiction where the special election is held.
  - (B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 30,000 registered voters, the county elections official makes a reasonable effort to establish a vote center.
- (4) (A) At least one ballot dropoff location is provided for every 15,000 registered voters. At least one ballot dropoff location shall be located within the jurisdiction where the special election is held. All ballot dropoff locations shall be open at least during regular business hours beginning at least 28 days before the day of the election, and on the day of the election.
  - (B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 15,000 registered voters, at least one ballot dropoff location shall be provided.

Except as otherwise provided in Section 4005, the election day procedures shall be conducted in accordance with Division 14 (commencing with Section 14000). (§ 4005(c).)

The county elections official may provide, at the official's discretion, additional ballot dropoff locations and vote centers for purposes of Section 4005. (§ 4005(d).)

The return of voted vote-by-mail ballots is subject to Sections 3017 and 3020. (§ 4005(e).)

For the sole purpose of reporting the results of an election conducted pursuant to Section 4005, upon completion of the ballot count, the county elections official shall divide the jurisdiction into precincts pursuant to Division 12, Chapter 3, Article 2 (commencing with Section 12220) and shall prepare a statement of the results of the election in accordance with Sections 15373 and 15374. (§ 4005(f).)

For any election conducted pursuant to Section 4005, the county elections official shall make a reasonable effort to inform a voter of either of the following (§ 4006):

- (a) If the voter's vote-by-mail ballot envelope is missing a signature.
- (b) How the voter can correct the missing signature.

#### Elections Conducted Using Vote Centers -Los Angeles County

The County of Los Angeles may conduct any election as a vote center election if all of the following apply (§ 4007(a)):

- (1) The county elections official complies with all the provisions of Section 4005(a) that are not inconsistent with Section 4007.
- (2) Every permanent vote by mail voter receives a ballot.
- (3) At least two ballot dropoff locations are provided within the jurisdiction where the election is held or the number of ballot dropoff locations are fixed in a manner so that there is at least one ballot dropoff location provided for every 15,000 permanent vote by mail registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election, whichever results in more ballot dropoff locations.
- (4) Within the jurisdiction where the election is held, at least one vote center is provided for each city that has at least 1,000 registered voters according to the official report of registration submitted by the county elections official to the Secretary of State before the last general election.
- (5) On the day of the election, from 7 a.m. to 8 p.m., inclusive, and on each of the three days before the election, for a minimum of eight hours per day, at least one vote center is provided for every 7,500 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election. At least 90 percent of the number of vote centers required by this subparagraph shall be open for all four days during the required times. Up to 10 percent of the number of vote centers required by this subparagraph may be open for less than four days if at least one vote center is provided for every 7,500 registered voters on each day.
- (6) Beginning 10 days before the day of the election and continuing up to and including the fourth day before the day of the election, for a minimum of eight hours per day, at least one vote center is provided for every 30,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the election.
- (7) Precincts with fewer than 500 registered voters are designated as all vote-by-mail ballot precincts.
- (8) Voters residing in a legislative or congressional district that lies partially within the County of Los Angeles and that also lies within another county that is conducting an election pursuant to Section 4005(a) receive a vote by mail ballot if they are eligible to vote in that election.
- (9) Voters in a precinct that is either more than a 30 minute travel time from a vote center or in which the polling place in the most recent statewide general election is more than 15 miles from the nearest vote center are mailed a vote by mail ballot.

- (10) The vote centers are located within a reasonable travel time of registered voters.
- (11) The county elections official conducts a service area analysis of the vote center plans, identifies services gaps, and publicly reports those findings.

Notwithstanding Section 4000 or any other law, the County of Los Angeles may conduct a special election as an all-mailed ballot election pursuant to Section 4005(b). (§ 4007(b).) No later than four years after conducting the first vote center election pursuant to Section 4007, the County of Los Angeles may conduct all-mailed ballot elections pursuant to Section 4005 and shall not conduct vote center elections pursuant to Section 4007. (§ 4007(c).)

Elections Conducted Using Vote Centers - All Counties

An election conducted pursuant to Section 4005 or 4007 is subject to the following requirements (§ 4005.6):

- (a) The provisions of Sections 14200 and 14201 that apply to polling places also apply to vote centers.
- (b) Prior to every election, the county elections official shall determine if a voter has previously identified a preferred language other than English to the elections official or to the Secretary of State. If the voter's precinct is required to have a facsimile copy of the ballot in the voter's preferred language pursuant to Section 14201, the county elections official shall send to the voter by regular mail or electronic mail a facsimile copy of the ballot in that language. The voter shall receive the facsimile copy of the ballot before vote centers open pursuant to Section 4005(a)(4)(A). The facsimile copy of the ballot shall be sufficiently distinct in appearance from a regular ballot to prevent voters from attempting to vote on the facsimile copy.

## IX. INDEX

*A*

**Affidavit of Registration**

Erroneous Cancellation..... 29

*B*

**Ballots**

Cancellation of Spoiled ..... 37

Cancelled ..... 37

Delivery of ..... 37

Delivery to Precinct Boards of ..... 37

Depositing Ballot in Ballot Container or Box ..... 36

Facsimile, Provided to Voter ..... 33

Folding ..... 36

How to Mark ..... 34

Instructions to Voter on Marking ..... 34

Loss or Destruction of ..... 16

Measures to Be Voted on ..... 36

No Identifying Marks on ..... 36

Number Slip, Removal From ..... 37

Official Primary ..... 34

One to Each Voter..... 33

Procedure if Insufficient Number of at Precinct..... 33

Provisional Where Unable to Surrender Vote-by-Mail..... 38

Recall Election ..... 36

Receipts for ..... 16

Receiving, Proper Precinct and Precinct Officer..... 34

Reconciliation of ..... 44

Rendering Unusable Upon Closing of Polls..... 43

Retrieval of Prior to the Closing of Polls ..... 41

Return of by Vote-by-Mail Voter ..... 38

Sealing After Vote Count..... 50

Spoiled ..... 37

Sufficient Number of Provided to Precinct Boards ..... 15

Sufficient Voting Materials and Ballot Stock Provided to Precinct Boards..... 16

Two or More Candidates to be Elected to Office on ..... 35

Vote-by-Mail, After Period for Requesting by Mail..... 40

Vote-by-Mail, Receiving ..... 39

Vote-by-Mail Voter, Surrender of..... 38

Voter Not to Reveal Contents of; Exception ..... 36

Ballot Container or Box, Depositing Ballot in ..... 36

Ballot Box, Opened, Exhibited and Closed..... 23

*C*

Candidates, Two or More to be Elected to Same Office..... 35

Challenge (see Voters, Challenging)

Clerk, defined ..... 1

Conditional Voter Registration ..... 25

County Office, defined ..... 1

County Officer, defined ..... 1

D

**Definitions**

Ballot on Demand System.....	1
Clerk.....	1
Conditional Voter Registration.....	25
County Office.....	1
County Officer.....	1
Direct Primary.....	1
Domicile.....	31
Election.....	1
Election Board.....	1
Electioneering.....	1
Elections Official.....	1
Electronic Poll Book.....	20
Elector.....	2
Emergency Worker.....	29
General Election.....	2
Inspector.....	2
Judicial Office.....	2
Judicial Officer.....	2
Local Election.....	2
Measure.....	2
Military or Overseas Voter.....	2
New Citizen.....	2
Nonpartisan Office.....	3
Partisan Office.....	3
Party.....	3
Polling Place.....	3
Precinct.....	3
Precinct Board.....	3
Presidential Primary.....	3
Primary Election.....	3
Punchcard.....	3
Punching.....	3
Rebuttable Presumption.....	3
Regular Election.....	3
Remote Accessible Vote-by-Mail System.....	3
Residence.....	31
Roster.....	3
School Office.....	3
School Officer.....	3
Section.....	3
Shall and May.....	4
Signature.....	4
Signature Stamp.....	4
Special Election.....	4
Statewide Election.....	5
Vote-by-Mail Ballot Drop Box.....	5
Vote-by-Mail Ballot Drop-Off Location.....	5
Vote-by-Mail Voter.....	5
Vote Center.....	5
Vote Tabulating Device.....	5

Voter .....	5
Voter List .....	5
Voting Device.....	5
Voting Machine.....	5
Voting System.....	5
 <i>E</i>	
Election, defined.....	1
Election Board, defined.....	1
Election Supplies.....	13
Electioneering, defined.....	1
Elections Official, defined.....	1
Elector, defined .....	2
Electrical Failure.....	55
Electronic Poll Book, defined.....	20
Emergency, State of .....	29
Emergency Worker, defined.....	29
 <i>F</i>	
<b>Forms</b>	
Certificate of Performance, Precinct Board .....	47
Declaration of Inspector.....	12
Declaration of Precinct Board Member.....	12
Roster of Registered Voters.....	19
 <i>G</i>	
General Election, defined.....	2
 <i>I</i>	
Index to Affidavits of Registration, Roster in the Form of.....	19, 20
 <i>J</i>	
Judicial Office, defined .....	2
Judicial Officer, defined .....	2
 <i>L</i>	
Local Election, defined .....	2
 <i>M</i>	
Measure, defined.....	2
Measures, Voting on.....	36
Military or Overseas Voter, defined .....	2
 <i>N</i>	
New Citizen, defined.....	2
New Citizen, Register and Vote on Election Day .....	25
Nonpartisan Office, defined .....	3
No Party Preference Voters .....	34
Notation of Vote on Index .....	37
Notice of Persons Voted.....	37

P

Partisan Office, defined.....	3
Party, defined .....	3
<b>Penal Provisions</b>	
Bribery.....	60
Corruption of the Voting Process.....	59
Corruption of Vote-by-Mail Voting .....	65
Corruption of Voters – Payment or Promise by Controlled Committee.....	60
Corruption of Voters – Promise of Employment.....	60
Corruption of Voters – Receipt of Consideration.....	60
Corruption of Voting.....	62
Corruption of Voting – Altering Returns .....	65
Corruption of Voting – Assisting, Aiding or Abetting .....	62
Corruption of Voting – Member of the Public.....	63
Corruption of Voting – Changing Ballots, Wrongfully Adding or Subtracting Ballots .....	64
Corruption of Voting – Examination of Vote by Precinct Board Member .....	63
Corruption of Voting – Falsely Acting as Elections Official .....	65
Corruption of Voting – Forgery .....	64
Corruption of Voting – Interference With or Alteration of Posted Result .....	65
Corruption of Voting – Misleading Assisted Voter .....	65
Corruption of Voting – Refusal to Answer Precinct Board Questions .....	65
Corruption of Voting – Tampering With Voting System .....	64
Corruption of Voting – Unlawful Acts of Counting Boards.....	65
Electioneering.....	58
Generally.....	58
Imitation of Ballot Paper.....	59
Intimidation of Voters.....	61
Payment for Voting.....	58
Precinct Board Member, Failing to Act as Such.....	8
Vandalism at Polling Place.....	59
Voter Disclosure of Ballot.....	59
<b>Polling Place</b>	
Arrangement of.....	11
Change of Location of .....	11
Identification of.....	11
Places, Booths, or Compartments in .....	11
Restriction for.....	11
<b>Polls, Closing</b>	
Delivery of Ballots to Central Counting Place .....	44
Delivery of Sealed Packages.....	44, 51
Delivery of Supplies and Election Returns to Elections Official After .....	51
General Law Cities, Procedures.....	51
Municipal Elections in General Law Cities .....	42
Reconciliation of Ballots After.....	44
Render Unused Ballots Unusable After.....	43
Time of .....	42
Time of Extended by Court Order.....	42
Transmit Result of Vote After .....	51
<b>Polls, Opening</b>	
Announcement of.....	23
At Municipal Elections in General Law Cities.....	23
Exhibition of Ballot Box at .....	23
Time of .....	23



**Polls, Regulations Concerning**

Lawful Communication..... 24  
Persons Permitted to Sit at Desk..... 24  
Persons Permitted Within Barricade ..... 23  
Presence of Officers of Precinct Board ..... 24  
Replacement for Officer Ceasing to Act..... 24

**Posting**

Facsimile Ballots ..... 17  
Materials Required by Law ..... 17  
Voter List ..... 18  
Voting Information..... 17

**Precinct Board**

Absence From Employment to Serve on..... 9  
Appointment of..... 7  
Appointment of Replacement By Inspector ..... 8  
Appointment of Substitute Inspector By Board..... 8  
Appointment of, When and By Whom ..... 7  
Authority of to Administer Oath..... 13  
Compensation of..... 9  
Completion of Certificate of Performance by..... 47  
Completion of Forms After Vote Count by ..... 50  
Composition of..... 7  
Defined..... 3  
Desk of ..... 24  
Distribution of Duties of..... 7  
Duty of to Sign and Post Copy of Result ..... 50  
Identification of..... 11  
Instruction of Inspectors of..... 8  
Lawful Communication..... 24  
Member of ..... 6  
Member of Failing to Act as Such..... 8  
Member of Failing to Appear, Procedure ..... 8  
Members of Subject to Subpoena..... 51  
Notice to Appointed Inspector..... 8  
Notice to Appointed Member ..... 8  
Present at Polls..... 24  
Replacement Member of..... 24  
Substitute Appointments..... 8  
Substitute Inspector of ..... 24

**Precinct Board, Declaration by Officers**

Eligibility ..... 12  
Inspector, Form of..... 12  
Board Member, Form of..... 7, 12  
Requirement of..... 12  
Presidential Primary, defined..... 3  
Primary Election, defined ..... 3  
Provisional Ballot ..... 28  
Punchcard, defined..... 3  
Punching, defined..... 3

**R**

Recall Elections, Voting on ..... 36  
Rebuttable Presumption, defined ..... 32  
Regular Election, defined..... 3

Residence, defined.....	31
<b>Roster</b>	
Delivery of.....	13
Form of.....	19
Inspection of.....	20
Voter Name Not on.....	28
<i>S</i>	
School Office, defined.....	3
School Officer, defined.....	3
Section, defined.....	3
Shall and May, defined.....	4
Signature, defined.....	4
Signature Stamp, defined.....	5
<b>Snap Tallies</b>	
Early Tabulation and Announcement of.....	52
Special Forms for.....	52
Special Election, defined.....	4
Statewide Election, defined.....	5
<i>T</i>	
Tally Sheets.....	49
Tally of Votes Only as Prescribed by Law.....	50
<i>V</i>	
Vote-by-Mail Voter (see Voters, Vote-by-Mail)	
Vote-by-Mail Ballot Drop Box, defined.....	5
Vote-by-Mail Ballot Drop-Off Location, defined.....	5
<b>Vote Center</b>	
Defined.....	5
General Provisions.....	21, 68
Services Available at.....	41
<b>Vote Count, Canvass at Central Place</b>	
Establishing Counting Centers.....	46
Establishing Return Centers.....	46
Notice of by Elections Official.....	52
Open to Public View.....	46
Qualifications and Duties of Precinct Board During.....	52
Ballots to be Sealed After.....	50
Board to Conduct Only One.....	48
Comparison of Vote-by-Mail Voters' List and Roster.....	50
Duplication of Vote-by-Mail Ballot On to Punchcard.....	56
Duplication of Defective Ballot Cards.....	48
Forms to be Completed by Precinct Board After, Certificate of Performance.....	50
Procedures for.....	48
Relieving Board Members During.....	48
Required to be Public.....	48
Signing and Posting Copy of Result by Precinct Board After.....	50
Tally of Votes After.....	50
Tally Sheets for.....	49
Time to Begin.....	46
Write-In Candidates.....	49
Vote, Notation of.....	37
Vote Tabulating Device, defined.....	5

Voter, defined.....	5
<b>Voter List</b>	
Maintenance of.....	37
Notation of Vote on.....	37
Notice of Persons Voted on.....	37
Posting of.....	18
Provided by Elections Official.....	13
<b>Voters</b>	
Change of Surname of.....	27
Erroneous Cancellation of Registration of.....	29
Instructions to.....	27
Moved, New Precinct.....	27
Moved, Not Reregistered.....	28
Name and Address of.....	27
Name of Not on Roster.....	28
No Party Preference.....	34
Receipt of Ballot in Proper Precinct.....	34
Receipt of Ballot from.....	34
<b>Voters, Vote-by-Mail</b>	
Ballot After Period for Requesting by Mail.....	40
Comparison of Vote-by-Mail Voters' List and Roster.....	50
Definition of.....	5
List of.....	13
Receiving Vote-by-Mail Ballot From.....	39
Return of Voted Vote-by-Mail Ballot by.....	38
Surrender of Ballot by.....	38
Use of Provisional Ballot by.....	38
Voting by Punchcard.....	56
<b>Voters, Assisted</b>	
How to Assist.....	35
List of.....	35
Polling Place Inaccessible to.....	35
When to Assist.....	35
<b>Voters, Challenging</b>	
Certificate of Registration.....	32
Conditions for.....	29
Discontinuation of.....	33
Domicile, Determination of.....	31
Doubt Resolved in Favor of Voter.....	31
Grounds for, Impersonation of Another Voter.....	30
Grounds for, Nonresidence in Precinct.....	30
Grounds for, Voting Second Time.....	30
List of to be Kept by Precinct Board.....	33
Overruled.....	33
Prior to Oath.....	31
Procedure for.....	30
Refusal to Take Oath.....	31
Residence, Determination of.....	31
Residency, Evidence of.....	30
<b>Voters, Military or Overseas</b>	
List of.....	13
Registered.....	40
Registration on Return to County or Upon Requirement to Move.....	40
Return to County.....	41

**Voting**

Change of Surname of Voter ..... 27  
Conditional Voter Registration ..... 25  
Entitled to Vote ..... 25  
Local, Special or Consolidated Elections ..... 27  
Name and Address of Voter ..... 27  
New Citizens ..... 25  
Provisional Ballot ..... 28  
Voter in Wrong Precinct ..... 28  
Voter Who Moved, Not Reregistered ..... 27  
When May Commence ..... 24  
Who May Vote ..... 25  
Voting Booth Occupancy ..... 22, 35  
Voting Device, defined ..... 5  
Voting Machine, defined ..... 5

**Voting Systems**

Ballot Containers and Ballots ..... 55  
Definition ..... 5  
Delivery of Voting Equipment ..... 55  
Check and Review of Tabulation Devices ..... 57  
Precinct Board Instruction ..... 55  
Vote-by-Mail Voting by Punchcard ..... 56

**Voting Systems, Closing the Polls**

Processing of Voted Ballots After ..... 42, 56  
Segregation of Ballots After ..... 42, 56  
Tabulation of Write-In Votes After ..... 56

**Voting Systems, Counting Procedures**

Open to Public View ..... 46  
Provision for Paper Ballots ..... 49  
Tabulation at Polls ..... 56

*W*

Write-In Candidates, Counting Votes for ..... 49  
Write-In Votes, Tabulation of ..... 56