

II. General

Summary

This chapter outlines the composition of precinct boards and the appointment of election officers to these boards 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 his or her appointment was received. (§ 12302(a).) High school students over 16 years of age 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.)

The members of the precinct boards are to be appointed by the elections official in charge of the election not less than 29 days prior to the election. (§ 12286.) 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 within the meaning of this chapter. (§ 12327(b).)

Each member of a precinct board shall receive a stipend for services fixed by 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 his or her 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 his or her 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:

- (1) Is at least 16 years of age at the time of the election for which he or she is serving as a member of a precinct board.
- (2) Is a United States citizen or will be a citizen at the time of the election for which he or she is serving as a member of a precinct board.
- (3) Is a pupil in good standing attending a public or private secondary educational institution.
- (4) Is a pupil and has a grade point average of at least 2.5 on a 4.0 scale. (§ 12302(b).)

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

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 his or her lack of eligibility to vote, if the nonvoter possesses the following qualifications:

- (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 his or her 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).)

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 not less than 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.) 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.) Any voter 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.)

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. Declaration Required of Officers.

Declaration Required for Eligibility

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

Form of Declaration of Inspector and Election Officers

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. 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 and each of the declarations of other members of the precinct board provided for in Division 12, Chapter 4, Article 1 of the Elections Code 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).) The form of the declaration of the precinct board members is signed on the day of the election and can be found in the section of this guide, starting on page 10, describing the duties of elections officers before opening the polls.

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

State of California)
County of _____) ss.

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 precinct _____ for the election to be held on _____, 20__.

Signed in the presence of _____ (Signature) on _____, 20__.
(§ 12321(a)(3).)

In lieu of signing and returning the declaration of the inspector, the county elections official may require the inspector to sign the declaration on the day of election and before entering upon the performance of these duties. (§ 12321(d).)

4. 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 this section. (§ 12309(c).)

The uniform standards for the training of precinct board members must address the following, at a minimum: (1) the rights of voters, including language access rights for linguistic minority voters, the disabled, and the protected classes as referenced and defined in the federal Voting Rights Act (42 U.S.C. Sec. 1973 et seq.); (2) election challenge procedures; (3) operation of a jurisdiction's voting system; (4) poll hours and procedures concerning the opening and closing of polling locations; (5) relevant election laws and any other subjects that will assist the inspector in carrying out his or her duties; (6) cultural competency; (7) knowledge regarding issues confronting voters who have disabilities; (8) and provisional and vote-by-mail ballot procedures. (§ 12309.5.)

5. Miscellaneous.

Compensation of Precinct Board Members

Each member of a precinct board shall receive a stipend for services fixed by 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 on Election Day

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