

Elections Officers Digest

I. Introduction

This Digest is compiled from the California Elections Code and all citations to sections, unless otherwise noted, are to sections of the Elections Code. 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. For the full language of the statutes, refer to the Elections Code. (§ 14101.)

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

1. Definitions.

§ 8. As used in this 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.

§ 303.3. "Ballot marking system" means any mechanical, electromechanical, or electronic system and its software that is used for the sole purpose of marking a ballot for a military or overseas voter and is not connected to a voting system at any time.

§ 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 § 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, to nominate candidates to be voted for at the ensuing general election or to elect members of a party central committee.

§ 318. "Election" means any election including a primary that is provided for under this 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. "Electioneering" means the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot within 100 feet of a polling place, an elections official's office, or a satellite location under Section 3018. Prohibited electioneering information includes, but is not limited to, any of the following:

- (a) A display of a candidate's name, likeness, or logo.
- (b) A display of a ballot measure's number, title, subject, or logo.
- (c) Buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information.
- (d) Dissemination of audible electioneering information.

§ 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 at least 15 days prior to an election.

(b) "Elector" also means any 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 any of the following conditions:

(1) He or she was a resident of this state when he or she was last living within the territorial limits of the United States or the District of Columbia.

(2) He or she was born outside of the United States or the District of Columbia, his or her 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 he or she 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 this 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.

§ 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 he or she 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 he or she 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.

§ 339. (a) "Precinct board" is the board appointed by the elections official to serve at a single precinct or a consolidated precinct.

(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.

§ 340. "Presidential primary" is the primary election that is held on the first Tuesday after the first Monday in June in any year that is evenly divisible by the number four, and at which delegations to national party conventions are to be chosen.

§ 341. "Primary election" includes all primary nominating elections provided for by this code.

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

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

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

§ 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 this 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 his or her 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 this 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 this 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, his or her designee, the local elections official, or his or her 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, he or she 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 this section 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 he or she first submits his or her 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 this section:
 - (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.

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

§ 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 this code.

§ 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 device upon which a voter may register his or her vote, and which, by means of counters, embossing, or printouts, furnishes a total of the number of votes cast for each candidate or 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 ballot marking system.

2. Abbreviations.

All section references are to the California Elections Code unless otherwise noted. The abbreviation "Cal. Const." refers to the California Constitution.