

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.) Ballots and all other election supplies appropriate to the system will also be provided. (§ 14113.)

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 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 14105. 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).)

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.)

The ballots may be counted at the polls if a counting or tabulating machine approved therefor pursuant to Article 1 (commencing with Section 19200) of Chapter 3 of Division 19 is available at the polls. (§ 15250.)

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 Ballots and Supplies

Ballots and other election supplies appropriate to the system shall be furnished as provided for other precincts except that:

- (a) No rubber stamps or ink pads shall be supplied when only ballots to be punched are used.
- (b) Ballots shall be suitable to be punched or slotted in the marking device and subsequently counted on an approved mechanical or electronic counting device.
- (c) The containers of the ballots shall be of such type that they will adequately protect the ballots and that they can be opened without mutilation. (§ 14113.)

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 Article 5 (commencing with Section 15270) of Chapter 3 of Division 15. (§ 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 his or her 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 of Voted Ballots After Close of Polls

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 14105. 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).)

Segregation of Ballots

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.)

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:

- (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 subdivision (f) of Section 15342 (which is not set forth in this Digest).
- (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. (§ 15342.)

3. Counting Procedure.

Counting Procedures

During the reading of the result of votes cast, any candidate or watcher who may desire to be present shall be admitted to the polling place. The proclamation of the result of the votes cast shall be distinctly announced by the precinct board who shall read the name of each candidate, or the designating number and letter of his or her counter, and the vote registered on the counter. The board shall also read the vote cast for and against each measure submitted. The board shall not count votes cast for write-in candidates, but shall have these counted by the elections official. During the proclamation ample opportunity shall be given to any person lawfully present to compare the result so announced with the counter dials of the machine, and any necessary corrections shall then and there be made by the precinct board, after which the doors of the voting machine shall be closed and locked.

To protect a person's right to cast a secret ballot under Section 7 of Article II of the California Constitution, in cases where fewer than 10 votes are cast on any single machine on which the results are tallied at the precinct, the

precinct board shall read only the total number of people who voted at the precinct on the machine that keeps vote tallies.

If the machine is provided with a recording device, the alternate procedures in Section 19370 may be used. (§ 19380.)²

The precinct board shall, before it adjourns, post conspicuously on the outside of the polling place a copy of the result of the votes cast at the polling place. The copy of the result shall be signed by the members of the precinct board. To protect a person's right to cast a secret ballot under Section 7 of Article II of the California Constitution, in cases where fewer than 10 voters cast ballots on any single machine on which the results are tallied at the precinct, the precinct board shall post only the total number of people who voted at that precinct on the machine that keeps vote tallies.

If the machine is provided with a recording device, the statement of result of votes cast produced by operating its mechanism may be considered the "result of the votes cast" at the polling place. (§ 19384.)

Tabulation at Polls

The ballots may be counted at the polls if a counting or tabulating machine approved therefore pursuant to Article 1 (commencing with Section 19200) of Chapter 3 of Division 19 is available at the polls. (§ 15250.)

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 employed 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 specified. (§ 15004(c).)

² The principle purpose of these requirements applies to old lever machines.