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September 7, 2021

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 21148

TO: All County Clerks/Registrars of Voters

FROM: /s/ Jana M. Lean
Chief, Elections Division

RE: California Gubernatorial Recall Election: Close of Polls and Release of
Vote Totals

This memorandum is being sent as a reminder to county elections officials regarding the close of polls and the release of vote totals on Election Day, Tuesday, September 14, 2021.

As you know, polls close at 8:00 p.m. However, if a voter is in line at a polling location on or before 8:00 p.m., the voter must be allowed to vote. (Elec. Code, §§ 2300(a)(3), 14212, 14214, 14401, 14402.)

Likewise, vote-by-mail ballot drop boxes close at 8:00 p.m. However, if a voter is in line at a ballot drop off location on or before 8:00 p.m., the voter must be allowed to vote by way of dropping off their ballot. (Cal. Code Regs. tit 2, § 20136(e).)

After the close of polls at 8:00 p.m., county elections officials shall begin releasing vote totals to the Secretary of State, even if voters are still in line at a polling place or drop box location. (Elec. Code, §§ 15151, 15152.)

However, in the event a court orders one or more polling places to remain open past 8:00 p.m. in any county, all counties must adhere to the following procedures:

- 1) Counties must not release votes until the time set forth in the court order or until the order is vacated (Elec. Code, § 15152), and;
- 2) Counties must issue voters provisional ballots (Elec. Code, § 14402.5; 52 U.S.C. 21082(c)).

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The Secretary of State's office requests county elections officials to immediately notify Rachelle Delucchi and Robbie Anderson in our office of any court orders affecting the close of polls. Upon notice of any such court order, the Secretary of State's office will immediately notify counties of the issuance and details of the court order and remind counties of the requirements above.

Please contact Rachelle Delucchi at rdelucch@sos.ca.gov or Robbie Anderson at aanderso@sos.ca.gov should you have any questions.

Thank you.