



# SHIRLEY N. WEBER, Ph.D.

CALIFORNIA SECRETARY OF STATE

Elections Division | 1500 11<sup>th</sup> Street, 5<sup>th</sup> Floor | Sacramento, CA 95814  
Tel 916.657.2166 | Fax 916.653.3214 | [www.sos.ca.gov](http://www.sos.ca.gov)

September 2, 2022

County Clerk/Registrar of Voters (CC/ROV) Memorandum #22207

TO: All County Clerks/Registrars of Voters

FROM: /s/ Robbie Anderson  
Election Counsel

RE: Emergency Regulations: Notices Regarding Prohibition of Electioneering  
and Corruption of the Voting Process

The Secretary of State has readopted the emergency regulations it adopted on February 22, 2022, related to notice requirements regarding the prohibition of electioneering and activity that relates to the corruption of the voting process.

These regulations are in effect as of August 31, 2022, and will expire on November 30, 2022, unless that date is extended, or the emergency regulations are made permanent by regulatory action.

The final text of the emergency regulations is attached to this memorandum and is available on our website at: <https://www.sos.ca.gov/administration/regulations/>.

If you have any questions, please feel free to contact Robbie Anderson at [aanderso@sos.ca.gov](mailto:aanderso@sos.ca.gov) or to Raj Bathla at [rbathla@sos.ca.gov](mailto:rbathla@sos.ca.gov), or (916) 657-2166. Thank you.

Enclosed - Notice of Approval of Emergency Regulations

**State of California  
Office of Administrative Law**

In re:  
Secretary of State

Regulatory Action:

Title 02, California Code of Regulations

Adopt sections: 20180, 20181, 20182

NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION

Government Code Sections 11346.1 and  
11349.6

OAL Matter Number: 2022-0823-02

OAL Matter Type: Emergency Readopt (EE)

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This action readopts, with amendments, emergency regulations that establish notice requirements concerning the prohibition of electioneering and on activity related to the corruption of the voting process.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on August 31, 2022 and will expire on November 30, 2022. The Certificate of Compliance for this action is due no later than November 29, 2022.

Date: August 31, 2022



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Nicole C. Carrillo  
Senior Attorney

For: Kenneth J. Pogue  
Director

Original: Dr. Shirley N. Weber,  
Secretary of State  
Copy: Robbie Anderson

# EMERGENCY

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER <b>2022-0823-02EE</b>	EMERGENCY NUMBER
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**ENDORSED - FILED**  
in the office of the Secretary of State  
of the State of California

**AUG 31 2022**

**3:10 PM**

For use by Office of Administrative Law (OAL) only

**OFFICE OF ADMIN. LAW**  
**2022 AUG 29 PM 2:07**

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY Secretary of State	AGENCY FILE NUMBER (If any)
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**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b> <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Notices Re Prohibition of Electioneering and Corruption of Voting Proc	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2022-0211-01E
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT 20180, 20181 and 20182
AMEND
TITLE(S) 2
REPEAL

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input checked="" type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____

7. CONTACT PERSON Robbie Anderson	TELEPHONE NUMBER 916-216-6488	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) aanderso@sos.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Susan Lapsley</i>	DATE 08/23/2022
TYPED NAME AND TITLE OF SIGNATORY Susan Lapsley, Deputy Secretary of State	

For use by Office of Administrative Law (OAL) only

**ENDORSED APPROVED**

**AUG 31 2022**

Office of Administrative Law

**California Secretary of State  
Proposed Emergency Regulatory Action:  
Notices Regarding Prohibition of Electioneering and  
Corruption of the Voting Process**

**Emergency Readopt  
Proposed Regulation Text**

Title 2. Administration  
Division 7. Secretary of State  
Chapter 3.7 Voting Locations

Article 1. Notices Regarding Prohibition of Electioneering and Corruption of the Voting Process

**20180. Providing Notice on Electioneering**

- (a) To ensure that voters, interested persons, and members of the public are aware of the prohibition of electioneering and its related penalties, county elections officials must provide public notice.
- (b) The Secretary of State shall provide notice to the public as follows:
- (1) Posting conspicuously on the Secretary of State's internet website.
  - (2) Including the notice in the state voter information guide.
- (c) County elections officials shall provide notice to the public as follows:
- (1) Posting conspicuously on the county elections official's internet website.
  - (2) Posting conspicuously at all buildings that contain a polling place (including an election official's office or a satellite location) and any outdoor site (including a curbside voting area and a vote-by-mail ballot drop box) at which a voter may cast or drop off a ballot.
- (d) The notice to the public shall be as follows:

**“WARNING:  
ELECTIONEERING PROHIBITED!  
Violations can lead to fines and/or imprisonment.**

**WHERE:**

- Within the immediate vicinity of a person in line to cast their ballot or within 100 feet of the entrance of a polling place, curbside voting or drop box the following activities are prohibited.

**WHAT ACTIVITIES ARE PROHIBITED:**

- **DO NOT** ask a person to vote for or against any candidate or ballot measure.
- **DO NOT** display a candidate's name, image, or logo.
- **DO NOT** block access to or loiter near any ballot drop boxes.
- **DO NOT** provide any material or audible information for or against any candidate or ballot measure near any polling place, vote center, or ballot drop box.

- **DO NOT** circulate any petitions, including for initiatives, referenda, recalls, or candidate nominations.
- **DO NOT** distribute, display, or wear any clothing (hats, shirts, signs, buttons, stickers) that include a candidate's name, image, logo, and/or support or oppose any candidate or ballot measure.
- **DO NOT** display information or speak to a voter about the voter's eligibility to vote.

The electioneering prohibitions summarized above are set forth in Article 7 of Chapter 4 of Division 18 of the California Elections Code.”

(e) In the event the county elections official does not have sufficient space on their vote-by-mail ballot drop boxes to include the entire notice provided in section (d), the county elections official, at a minimum, must include the following:

**“WARNING:  
ELECTIONEERING PROHIBITED!  
Violations can lead to fines and/or imprisonment.**

For additional information on the prohibitions of electioneering, please visit our website at (insert county website address here).”

(f) The format of the notice prescribed in section (d) may be modified based upon the needs of the county elections official.

(g) The notice shall be provided in all languages required under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

*Note: Authority cited: Section 18372, Elections Code; Section 12172.5, Government Code.*

*Reference cited: 52 U.S.C. Section 21083; Sections 18370, 18371, and 18372, Elections Code.*

### **20181. Providing Notice on Activity Relating to Corruption of the Voting Process**

(a) To ensure that voters, interested persons, and members of the public are aware of activities that constitute corruption of the voting process and the related penalties, county elections officials must provide public notice.

(b) The Secretary of State shall provide notice to the public as follows:

- (1) Posting conspicuously on the Secretary of State's internet website.
- (2) Including the notice in the state voter information guide.

(c) County elections officials shall provide notice to the public as follows:

- (1) Posting conspicuously on the county elections official's internet website.
- (2) Posting conspicuously at all buildings that contain a polling place (including an election official's office or a satellite location) and any outdoor site (including a curbside voting area and a vote-by-mail ballot drop box) at which a voter may cast or drop off a ballot.

(d) The notice to the public shall be as follows:

**“WARNING:  
CORRUPTING THE VOTING PROCESS IS PROHIBITED!**

**Violations subject can lead to fines and/or imprisonment.**

**WHAT ACTIVITIES ARE PROHIBITED:**

- **DO NOT** commit or attempt to commit election fraud.
- **DO NOT** provide any sort of compensation or bribery to, in any fashion or by any means induce or attempt to induce, a person to vote or refrain from voting.
- **DO NOT** illegally vote.
- **DO NOT** attempt to vote or aide another to vote when not entitled to vote.
- **DO NOT** engage in electioneering; photograph or record a voter entering or exiting a polling place; or obstruct ingress, egress, or parking.
- **DO NOT** challenge a person's right to vote or prevent voters from voting; delay the process of voting; or fraudulently advise any person that ~~he or she is~~ they are not eligible to vote or is not registered to vote.
- **DO NOT** attempt to ascertain how a voter voted their ballot.
- **DO NOT** possess or arrange for someone to possess a firearm in the immediate vicinity of a polling place, with some exceptions.
- **DO NOT** appear or arrange for someone to appear in the uniform of a peace officer, guard, or security personnel in the immediate vicinity of a polling place, with some exceptions.
- **DO NOT** tamper or interfere with any component of a voting system.
- **DO NOT** forge, counterfeit, or tamper with the returns of an election.
- **DO NOT** alter the returns of an election.
- **DO NOT** tamper with, destroy, or alter any polling list, official ballot, or ballot container.
- **DO NOT** display any unofficial ballot collection container that may deceive a voter into believing it is an official collection box.
- **DO NOT** tamper or interfere with copy of the results of votes cast.
- **DO NOT** coerce or deceive a person who cannot read or an elder into voting for or against a candidate or measure contrary to their intent.
- **DO NOT** act as an election officer when you are not one.

**EMPLOYERS** cannot require or ask their employee to bring their vote-by-mail ballot to work or ask their employee to vote their ballot at work. At the time of payment of salary or wages, employers cannot enclose materials that attempt to influence the political opinions or actions of their employee.

**PRECINCT BOARD MEMBERS** cannot attempt to determine how a voter voted their ballot or, if that information is discovered, disclose how a voter voted their ballot.

The prohibitions on activity related to corruption of the voting process summarized above are set forth in Chapter 6 of Division 18 of the California Elections Code.”

(e) In the event the county elections official does not have sufficient space on their vote-by-mail ballot drop boxes to include the entire notice provided in section (d), the county elections official, at a minimum, must include the following:

**“WARNING:  
CORRUPTING THE VOTING PROCESS IS PROHIBITED!  
Violations subject can lead to fines and/or imprisonment.**

For additional information on what constitutes corruption of the voting process, please visit our website at (insert county website address here).”

(f) The format of the notice prescribed in section (d) may be modified based upon the needs of the elections official.

(g) The notice shall be provided in all languages required under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

*Note: Authority cited: Section 18504, Elections Code; Section 12172.5, Government Code.  
Reference cited: 52 U.S.C. Section 21083; Sections 18500, 18501, 18502, 18503, 18504, 18520, 18521, 18522, 18523, 18524, 18540, 18541, 18542, 18543, 18544, 18545, 18546, 18547, 18548, 18560, 18561, 18562, 18562.5, 18563, 18564, 18564.5, 18565, 18566, 18567, 18568, 18569, 18570, 18571, 18572, 18573, 18573.5, 18574, 18575, 18576, 18577, and 18578, Elections Code.*

**20182. Combined Notice on Vote-by-Mail Ballot Drop Boxes Relating to Electioneering and Activity Relating to Corruption of the Voting Process**

(a) In the event county elections officials do not have sufficient space on their vote-by-mail ballot drop boxes to include the entire notices provided in Sections 20180(d) and 20181(d), county elections officials, at a minimum, must include the following:

**“WARNING:  
ELECTIONEERING AND CORRUPTING THE VOTING PROCESS IS  
PROHIBITED!  
Violations can lead to fines and/or imprisonment.**

For additional information on what constitutes electioneering and corruption of the voting process, please visit our website at (insert county website address here).”

(b) The notice shall be provided in all languages required under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

*Note: Authority cited: Section 18372, Elections Code; Section 12172.5, Government Code.  
Reference cited: 52 U.S.C. Section 21083; Sections 18370, 18371, and 18372, Elections Code.*