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October 21, 2026

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 26273

TO: All County Clerks/Registrars of Voters

FROM: /s/ Rachelle Delucchi
Elections Counsel

RE: General 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, November 3, 2026, and includes important new statutory updates.

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), 4005, 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 off location. (Elec. Code, §§ 15150, 15151, 15152.)

Nevertheless, there are two instances that may occur resulting in an extension of the time for closing the polls in a specific county:

1) A county superior court may order an extension of a polling place(s) in their county.

2) In limited circumstances, a county elections official may “extend the time for closing the polls at any polling place if the county elections official determines, in consultation with the county counsel, in the official’s discretion, that voting

at the polling place was disrupted as a result of a violation" of Elections Code section 403, 404 or 18370(a). (See, Elec. Code, § 407 and CCROV #26255.)

Section 407 provides as follows:

(a) Notwithstanding Section 14212, Section 4005, or any other law, on election day a county elections official may extend the time for closing the polls at any polling place if the county elections official determines, in consultation with the county counsel, in the official's discretion, that voting at the polling place was disrupted as a result of a violation of Section 403 or 404 or subdivision (a) of Section 18370.

(b) If the time for closing the polls is extended pursuant to subdivision (a), all votes cast during the time that the closing of the polls is extended shall be by provisional ballot. Any provisional ballots cast pursuant to this subdivision shall be separated and held apart from other provisional ballots cast by voters prior to the time the closing of the polls was extended.

The Secretary of State has created a form that must be submitted for either a court ordered extension or a county elections official's extension. The form is attached to this memorandum.

Please review the form internally. Additionally, we recommend that you review the form with your county counsel as soon as possible. If you or your county counsel has any questions, please reach out to our office.

In the event a county superior court orders one or more polling places to remain open past 8:00 p.m. in their county **and/or** a county elections official extends the time for closing a polling place in their county under Section 407, all counties must adhere to the following procedures:

1) The county with the extension must:

immediately notify Rachelle Delucchi at rdelucch@sos.ca.gov and Robbie Anderson at aanderso@sos.ca.gov,

complete and send the attached "Notice of Extension of Time for Closing a Polling Place on Election Day" to the Secretary of State's office at incidentreporting@sos.ca.gov, and

issue voters provisional ballots during the time the closing of the polls is extended; any such provisional ballots cast shall be separated and held

apart from other provisional ballots cast by voters prior to the time the closing of the polls was extended (Elec. Code, §§ 407(b), 14402.5; 52 U.S.C. § 21082(c)).

2) Statewide: No county may release vote totals (to our office or on county elections officials' websites) until the time the extension is concluded in the affected county, or until the court order is vacated in the affected county (Elec. Code, § 15152).

Upon notice of any such extension of the polls in any county, the Secretary of State's office will immediately notify all counties of the issuance and details and remind counties of the requirements above.

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

Thank you.

Attachment

Notice of Extension of Time for Closing a Polling Place on Election Day

County _____

County Elections Official's contact information:

Name: _____
Direct Phone number: _____
Cell Phone number: _____
Email address: _____

Affected Polling Place Location(s) Name and Address:

_____
_____

Duration of the Extension: _____ ☐minutes or ☐hour(s)

Extended/New Time of Close of Polling Place on Election Day: _____

Reason for extension (see applicable codes referenced on page 5):

☐ Superior Court order (please attach court order), or

☐ County-determined Elections Code violation, pursuant to Elections Code section 407 (please indicate which Elections Code section applies):
☐ Section 403 ☐ Section 404 ☐ Section 18370 (a)

County Counsel Consulted in Decision
Name of County Counsel Consulted: _____

Describe disruption (including as much detail as possible, including time, individuals, etc., and attach any relevant documentation):
_____
_____
_____
_____

Notify the Secretary of State's office:

Email notice (and any documentation) to: incidentreporting@sos.ca.gov,

and

Contact Rachelle Delucchi at rdelucch@sos.ca.gov / (916) 764-5934
or Robbie Anderson at aanderso@sos.ca.gov / (916) 216-6488.

Applicable Elections Code sections:

403.

A law enforcement officer shall not arrest any person within 200 feet of a polling place on election day during the time in which the polling place is open, except for a crime related to disrupting the operation of the polling place, a crime against a person, or a crime against property. This section does not provide legal amnesty for any crime committed within the buffer zone on election day.

404.

(a) Notwithstanding any other law, the prohibition on electioneering in subdivision (a) of Section 319.5 may be expanded by a county board of supervisors to up to 200 feet of either of the following:

(1) The entrance to a building that contains a polling place, an elections official's office, or a satellite location.

(2) An outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot.

(b) A violation of this section is punishable as a misdemeanor as provided in Section 18370 or 18371.

(c) If a county board of supervisors expands the area in which electioneering is prohibited pursuant to subdivision (a), the approved distance shall be uniform at every location described in paragraphs (1) and (2) of subdivision (a) within the county.

(d) A county board of supervisors shall notify the Secretary of State if the board expands the area in which electioneering is prohibited pursuant to subdivision (a).

407.

(a) Notwithstanding Section 14212, Section 4005, or any other law, on election day a county elections official may extend the time for closing the polls at any polling place if the county elections official determines, in consultation with the county counsel, in the official's discretion, that voting at the polling place was disrupted as a result of a violation of Section 403 or 404 or subdivision (a) of Section 18370.

(b) If the time for closing the polls is extended pursuant to subdivision (a), all votes cast during the time that the closing of the polls is extended shall be by provisional ballot. Any provisional ballots cast pursuant to this subdivision shall be separated and held apart from other provisional ballots cast by voters prior to the time the closing of the polls was extended.

18370.

(a) A person shall not, on election day, or at any time that a voter may be casting a ballot, within the 100 foot limit specified in subdivision (b), do any of the following:

(1) Circulate an initiative, referendum, recall, or nomination petition or any other petition.

(2) Solicit a vote or speak to a voter on the subject of marking the voter's ballot.

(3) Place a sign relating to voters' qualifications or speak to a voter on the subject of the voter's qualifications except as provided in Section 14240.

(4) Do any electioneering as defined by Section 319.5.