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County Clerk/Registrar of Voters (CC/ROV) Memorandum # 26255

TO: All County Clerks/Registrars of Voters

FROM: /s/ Rachelle Delucchi
Elections Counsel

RE: Urgency Legislation: Signing of Senate Bill 884

On September 19, 2026, Governor Newsom signed Senate Bill 884 (SB 884, Chapter 340 of the Statutes of 2026) into law as an urgency bill.

For any regular or special election, beginning with the November 3, 2026, General Election through 2029, or any election proclaimed in 2029 and held in 2030, this bill does the following:

- requires all vote-by-mail (VBM) ballot dropoff locations to be open beginning at least 30 days before the election;
- prohibits law enforcement officers from making arrests within 200 feet of a polling place on Election Day, except for a crime related to disrupting the operation of the polling place or a crime against a person or property;
- authorizes a county board of supervisors to extend the prohibition on electioneering activities to up to 200 feet of the specified voting locations;
- authorizes a county elections official to extend the time for closing the polls at any polling place if the county elections official determines that voting at the polling place was disrupted as a result of a violation of the prohibitions on arrests or electioneering activities near polling places;
- requires law enforcement officers to notify the Secretary of State (SOS) and Attorney General of a suspected, planned, or actual violation of the prohibitions on arrests or electioneering activities near polling places; and
- authorizes the state and local governments to place reasonable restrictions on polling places located on their property.

A more detailed summary of the changes made by SB 884 and suggested implementation is set forth below.

County Elections Officials: Open VBM Ballot Drop-off Locations Early

Elections Code section 3025(a) provides the following definitions:

(1) “Vote by mail ballot drop box” means a secure receptacle established by a county or city and county elections official whereby a voted vote by mail ballot may be returned to the elections official from whom it was obtained.

(2) “Vote by mail ballot drop-off location” means a location consisting of a secured vote by mail ballot drop box at which a voted vote by mail ballot may be returned to the elections official from whom it was obtained.

New Elections Code **section 401** provides as follows:

All vote by mail ballot drop-off locations shall be open at least during regular business hours *beginning not less than 30 days* before the day of the election and continuing through and including the day of the election. (Emphasis added.)

As you know, E-30 always falls on a Sunday. For the November 3, 2026, General Election, E-30 is Sunday, October 4. Suggested implementation is for county elections officials to begin opening ballot drop-off locations on Friday, October 2 or Saturday, October 3.

If a county opens ballot drop-off locations on Friday, October 2, the necessary ballot retrieval timeframes would begin. (C.C.R., tit. 2, § 20136(d)(1).) Section 20136(d)(1) requires ballots to be retrieved from staffed and unstaffed drop boxes at least every 96 hours, excluding Saturdays and Sundays.

We are aware that county elections officials have printed materials and mailed, posted, or otherwise distributed some of those materials that indicate VBM ballot drop-off locations will be open as of October 6 (E-28). The SOS is not advising or requesting that any previously printed materials be re-printed. However, county elections officials should consider updating county website information, social media posts, etc. to reflect this new requirement.

Law Enforcement Officers: No Arrests within 200 feet of a Polling Place on Election Day

Elections Code section 338.5 provides the following definition:

“Polling place” means a location where a voter casts a ballot and includes the following terms, as applicable: poll, polling location, and vote center. A polling place can serve more than one precinct.

New Elections Code **section 403** provides as follows:

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. (Emphasis added.)

County elections officials may want to predetermine or measure out 200 feet from a polling place so there is no question as to where that protected zone begins and ends. County elections officials may want to meet with or otherwise engage with their local law enforcement partners regarding this new prohibition.

County Board of Supervisors: May Expand the Prohibited Electioneering Area Up to 200 Feet

Elections Code section 319.5 provides the following definition:

(a) "Electioneering" means the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot within the 100 foot limit specified in subdivision (b). Prohibited electioneering information or activity includes, but is not limited to, any of the following:

- (1) A display of a candidate's name, likeness, or logo.
- (2) A display of a ballot measure's number, title, subject, or logo.
- (3) Buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information.
- (4) Dissemination of audible electioneering information.
- (5) Obstructing access to, loitering near, or disseminating visible or audible electioneering information at vote by mail ballot drop boxes.

(b) The activities described in subdivision (a) are prohibited within 100 feet of either of the following:

- (1) The entrance to a building that contains a polling place as defined by Section 338.5, 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.

New Elections Code **section 404** provides as follows:

(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. (Emphasis added.)

(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.* (Emphasis added.)

(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).

The SOS requests county elections officials to notify the SOS if their county board of supervisors (BOS) makes such an expansion. Likewise, if such an expansion occurs, once the SOS is notified by a county BOS of such expansion the SOS will communicate this information to the affected county elections official.

If a county BOS makes such an expansion, the county elections officials should consider updating to their county website information, social media posts, etc. to reflect the decision of their BOS.

County Elections Officials: May Extend the Time for Closing the Polls on Election Day

As you know, the polls open at 7 a.m. and close at 8 p.m. on Election Day. (Elec. Code, §§ 4005(b), 14212, 14214, 14401, 14402.)

Elections Code section 18370(a) provides as follows:

- (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.

New Elections Code **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. (Emphasis added.)

(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. (Emphasis added.)

In the event of such an extension allowing for one or more polling place to remain open past 8 p.m. in any county: **no county elections official may release votes until all polling places throughout California are closed.** (Elec. Code, § 15152.)

County elections officials must immediately notify Rachelle Delucchi and Robbie Anderson (see contact information below) of any such extension affecting the close of polls, the basis of such extension and the duration of the extension. Upon notice of extension, the SOS will immediately notify all counties of the extension and details, and remind counties of the above requirements.

Law Enforcement Officers: Notify SOS and AG in Specific Situations

New Elections Code **section 405** provides as follows:

(a) A law enforcement officer shall abide by Sections 403 and 404 and subdivision (a) of Section 18370.

(b) A law enforcement officer shall notify the Secretary of State and Attorney General of a suspected, planned, or actual violation of Section 403 or 404 or subdivision (a) of Section 18370.

State and Local Governments: May Place Reasonable Restrictions on Polling Places

New Elections Code **section 406** provides as follows:

To implement the requirements of this chapter, the state may place reasonable restrictions on a polling place located on state property, and a local government may place reasonable restrictions on a polling place located on local government property.

The SOS requests open communication with respect to this new Elections Code section. If the SOS learns of any such restrictions, the SOS will communicate this information to the affected county elections official. Likewise, should a county elections

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official learn of any such restrictions, it is requested that the county elections official advise the SOS of the matter.

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

Thank you.