

## IV. Election Day

### Summary

This chapter describes for precinct officers' statutes pertaining to voters' rights and to the rights of election officers to deny access to the polls. This chapter also outlines proper balloting procedures.

The polls shall be open at 7 a.m. of the day of any election and shall be kept open until 8 p.m. of the same day, when the polls shall be closed, except as provided in Sections 4005 and 14401. (§ 14212.) If a precinct board cannot provide a qualified voter with a ballot, the elections official will deliver additional ballots to ensure that all eligible voters can cast their ballots within two hours. (§ 14299(a).) In municipal elections, the polls must remain open for at least 8 consecutive hours. (§ 10242.) Voting may take place as soon as the polls open and will continue until they close. (§ 14214.)

In an election conducted using vote centers, vote centers will open beginning 10 days prior to the election and will remain open through the closing of the polls on election day. (§ 4005(a)(3), (a)(4).) Further information on the operation of vote centers may be found on pages 41 and 70.

Any United States citizen, 18 years or older, properly registered to vote in the State of California may vote in any election held within the territory where they reside. (§§ 2000, 10000; Cal. Const, art. II, § 2.) On election day, a new citizen can register to vote at designated locations and can vote. (§ 3500 et seq.) The procedure to take if a voter is erroneously placed in a precinct other than the one in which the person lives is found on page 27.

An elector who is otherwise qualified to register to vote under the Elections Code and California Constitution, Article II, Section 2 may complete a conditional voter registration and cast a provisional ballot or nonprovisional ballot during the 14 days immediately preceding an election or on election day. (§ 2170(b).)

Upon entering the polling place, the voter shall provide their address and, upon the precinct officers finding the name on the roster, the voter shall then sign their name in the space provided. (§ 14216(a).) The procedure to be followed if the officer is unable to find a voter's name on the roster and a provisional ballot is necessary is set forth starting on page 28. A provisional ballot allows the voter to vote but will be counted only after the county elections official confirms that the voter is properly registered. (§ 14310(a), (b), (c).)

An election officer may orally challenge a prospective voter within a polling place for a number of reasons. (§ 14240(a).) These reasons include that the voter is not a resident of the precinct or, in an election conducted using a vote center, not a resident of that county. (§ 14240(a)(2).) The procedure and the various grounds for which a voter may be challenged are found starting on page 29. The domicile of a person is that place where a voter's habitation is fixed, to which after any absence the person intends to return. (§ 349(b).) The definitions of "residence" and "domicile" for voting purposes and laws relating to the definitions are listed starting on page 30. Any challenged person refusing to take a properly administered oath regarding their place of residence or who refuses to be sworn and to answer questions concerning matters of residence must not be permitted to vote. (§§ 14248, 14249.) The precinct board must compile a list of all challenges, containing all information listed on page 33. (§ 14252.)

Before each voter enters the voting booth, the precinct board shall inform the voter how to operate the voting device. If a marking or punching device is used, the voter shall be instructed to use only that device. The voter shall also be instructed how to fold the ballot and place it in the envelope. If any voter, after entering the booth, asks for information regarding the operation of the machine or device, the precinct board shall give the voter the information. (§ 14272.)

Each voter will receive only one ballot from the precinct board. (§ 14278.) A facsimile ballot containing ballot measures and instructions printed in an approved foreign language will be provided upon request unless county voter information guides and ballots for voting are already furnished in that language as provided by law. (§ 14219.)

Upon leaving the voting booth, the voter will hand the folded ballot or the envelope containing the ballot to a precinct board member, who shall remove the ballot stub, hand it to the voter, and deposit the ballot into the ballot container. (§ 14277.)

Voting booths shall be occupied by only one person at a time unless a voter is accompanied by children in the voter's care or is eligible to receive assistance under the assisted voter provisions. (§§ 14222, 14224(a).) The precinct officers shall keep a list of those voters receiving help under the assisted voter provisions and shall return the list to the elections official. (§ 14283.)

A ballot shall be marked only with the marking device provided by the elections official or, for vote by mail ballots, recommended by the elections official. (§ 14284(a).) If a ballot cannot be tabulated because of the marking device used, it shall be processed as specified in Section 15210. (§ 14284(b).) If a voter spoils or defaces a ballot, the voter should immediately return the ballot to the ballot clerk and receive another ballot; a voter shall not receive more than a total of three ballots. (§ 14288.) Those ballots marked by the ballot clerk as spoiled will be returned to the elections official with the unused ballots. (§ 14290.) Before depositing a properly voted ballot into the ballot box, the precinct inspector will remove the slip containing the number of the ballot and hand it to the voter. (See § 14225.) At least once each hour until 6 p.m., a precinct board member shall identify, in the space provided on the voter list posted at or near the polling place, those voters who have voted, by drawing a line through their names. (§ 14294(a).)

If an electronic poll book is used at the polling place, the elections official may use a printout or an electronic means of notification of the list of each person who has voted. The elections official shall provide the printout or electronic notification at least once each hour, to and including 6 p.m., or at the time of discontinuation of this procedure, whichever occurs last. (§ 14294(b).)

"Vote by mail voter" means any voter casting a ballot in any way other than at the polling place. (§ 300(a).)

A "military or overseas voter" can be a member of the active or reserve components of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; a Merchant Marine; a member of the United States Public Health Service Commissioned Corps; a member of the National Oceanic and Atmospheric Administration Commissioned Corps of the United States; a member on activated status of the National Guard or state militia; the spouses and dependents of any of the above; or a U.S. citizen living outside the territorial limits of the U.S. (§ 300(b).)

Under certain conditions, vote by mail voters who return to the polling place designated for their home precincts on or before election day, or go to a vote center established pursuant to Section 4005, or to the office or satellite office of an elections official where voting is permitted, shall be permitted to vote nonprovisional ballots. (§ 3015(a).) If the conditions are not met, such vote by mail voters shall be issued a provisional ballot in accordance with Section 14310 if neither of the conditions in Section 3015(a) is satisfied. (§ 3016.) Vote by mail ballots shall be voted on or before the day of the election and can be returned to: the elections official in person or by mail, to a member of a precinct board at a polling place or vote center within the state, or a vote by mail ballot drop off location within the state that is provided pursuant to Section 3025 or 4005. (See §§ 3017(a)(1), 3018, 3025.) Voting restrictions placed on military or overseas voters reentering the county prior to election day can be found on page 40.

The county elections official may direct a precinct board to seal the ballot container prior to the closing of the polls, in accordance with the procedures set forth in Sections 14420 and 14421. (§ 14422(a)(1).) As soon as the container is sealed, the county elections official may direct at least two elections officials to remove the sealed ballot container of voted untallied ballots from the polling place and the presence of any bystanders and to deliver the container to a receiving center or central counting place as directed. (§ 14422(a)(2).)

If at the hour of closing there are any other voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. Anyone who arrives at the polling place after the time provided for closing the polls shall not be entitled to vote, even though the polls are open when the voter arrives. When the polls are closed, the precinct board shall proclaim that fact aloud at the place of election. After the proclamation no ballot shall be received. (§§ 14401, 14402.)

The precinct board removes voted ballots from the ballot container, counts the number of ballot cards, certifies the number of ballots, and records on forms provided by the elections official the information needed for the reconciliation of ballots required by Section 14405. (§ 14420(a), (b), (c).) However, before or at the close of the polls, the county elections official may direct the precinct board to seal the ballot container. (§14422.)

Members of the precinct board shall account for the ballots delivered to them by returning a sufficient number of unused ballots to make up, when added to the number of official ballots cast and the number of spoiled and canceled ballots returned, the number of ballots given to them. This accounting can take place at the polling place or be performed by the elections official at the central counting place. (§ 14405(a).) The precinct board shall also complete and sign the certificate of performance prescribed in Section 15280, if that section applies. (§ 14405(b).) These provisions do not apply to an election conducted using vote centers. (§ 14405(c).)

## **1. Opening of the Polls.**

### Time of Opening Polls - Generally

The polls shall be open at 7:00 a.m. of the day of any election, and shall be kept open until 8 p.m. of the same day, when the polls shall be closed, except as provided in Sections 4005 and 14401. (§ 14212.)

### Time of Opening Polls - Municipal Elections in General Law Cities

The polls shall be open on the day of election between the hours that the governing body determines, for at least eight consecutive hours. The hours of opening and closing the polls shall be specified in the notice of election, or shall otherwise be the same as provided for general elections. (§ 10242.)

### Opening Announced

Before the precinct board receives any ballots, it shall proclaim aloud at the place of election that the polls are open. (§§ 10242, 14213.)

### Ballot Box to Be Opened, Exhibited and Closed; Not Removed or Opened Until Polls Are Closed

Before receiving any ballots, the precinct board, in the presence of any persons assembled at the polling place, shall open and exhibit and close the ballot container or containers. Thereafter, the ballot container or containers shall not be removed from the polling place or presence of the bystanders until all the ballots are counted, nor opened until after the polls are finally closed, unless otherwise directed by elections official pursuant to Section 14420(c). (§§ 14215, 14420(c).)

## 2. Regulations at Polls.

### Only Voters and Authorized Persons Permitted Within Barricade

Only voters engaged in receiving, preparing, or depositing their ballots and persons authorized by the precinct board to keep order and enforce the law may be permitted to be within the voting booth area before the closing of the polls. (§ 14221.)

Nothing contained in the Elections Code shall prevent a voter from being accompanied by a child or children under the age of 18 years while the voter is within the voting booth area if the child is, or children are, under the voter's care. (§ 14222.)

Except as provided in Section 14222, voting booths or compartments shall not be occupied by more than one person at a time, unless the voter is eligible under the assisted-voter provisions. (§ 14224(a).)

Voters shall not remain in or occupy the voting booths or compartments longer than is necessary to mark their ballots, which shall not exceed 10 minutes. If a voter informs a precinct board member that the voter requires additional time to mark their ballot, a longer period shall be allowed. However, if the precinct board member determines that the voter is attempting to interfere with the conduct of the election and does not require additional time to mark their ballot, the precinct board member may contact the elections official, who may order that the voter not be provided with additional time to mark their ballot. (§ 14224(b).)

### Persons Permitted to Sit at Desk

Only members of the precinct board, and persons while signing their names on the roster, shall be permitted, during the hours within which voting is in progress, to sit at the desk or table used by the precinct board. (§ 14223(a).)

### Election Officers Must Be Present at Polls

At any election, a majority of the members of any precinct board shall be present at the polling place at all times while the polling place is open. (§§ 10243, 14220.)

### Lawful Communication

Any member of the precinct board, when using a language other than English at the polls, shall communicate with voters in that language only as they would be lawfully permitted to communicate in English under the Elections Code. The member shall be subject to like penalty for any illegal communication as if it had occurred in English. (§ 14227.)

### Election Officer Ceasing to Act, Replacement to Be Appointed, Substitute

The inspector may appoint a voter to replace any precinct board member who ceases to act or becomes incapacitated during the progress of an election. (§ 12314.)

If the inspector ceases to act, a majority of the remaining members of the precinct board may appoint a substitute. (§ 12315.)

### Electronic Device at a Polling Place

A voter or any other person shall not be prohibited from using an electronic device, including a smartphone, tablet, or other handheld device, at a polling place provided that the use of the device does not result in a violation of Section 14221, 14224, 14291, 18370, 18502, 18540, 18541, or any other provision of the Elections Code. (§ 2302.)

### **3. Voting.**

#### When Voting May Commence

Voting shall commence as soon as the polls are opened and shall be continued during the time the polls remain open. (§ 14214.)

#### Voter Must Be Entitled to Vote

After the opening of the polls, the precinct board shall not allow any voter to enter the voting booth until it ascertains that the voter is entitled to vote. (§ 14271.)

#### Who May Vote

Every United States citizen at least 18 years of age at the time of the election and resident in California who complies with the Elections Code provisions governing the registration of electors may vote at any election held within the territory within which the person resides and the election is held. (§§ 2000, 10000; Cal. Const., art. II, § 2.)

#### New Citizens Can Register and Vote on Election Day

A new citizen is eligible to register and vote at the office of, or at another location designated by, the county elections official at any time beginning on the 14th day before an election and ending at the close of polls on the election day following the date on which that person became a citizen. (§ 3500.)

#### Conditional Voter Registration

“Conditional voter registration” means a properly executed affidavit of registration that is delivered by the registrant to the county elections official during the 14 days immediately preceding an election or on election day and which may be deemed effective pursuant to Division 2, Chapter 2, Article 4.5 (commencing with Section 2170) after the elections official processes the affidavit, determines the registrant’s eligibility to register, and validates the registrant’s information, as specified in Section 2170(c). (§ 2170(a).)

In addition to other methods of voter registration provided by the Elections Code, an elector who is otherwise qualified to register to vote under the Elections Code and Section 2 of Article II of the California Constitution, including military and overseas voters and voters with disabilities, may complete a conditional voter registration and cast a provisional ballot, or a nonprovisional ballot under subdivision (f) of Section 2170, during the 14 days immediately preceding an election or on election day pursuant to Division 2, Chapter 2, Article 4.5.  
(§ 2170(b).)

A county elections official may use a provisional ballot envelope and/or a conditional voter registration envelope as an affidavit of registration. (§ 2160(a).)

A conditional voter registration accepted by the county elections official shall include the information required by Division 2, Chapter 2, Article 4 (commencing with Section 2150). (§ 2171(a).)

A conditional voter registration accepted by the county elections official shall be processed in accordance with general voter registration procedures provided in Division 2, Chapter 2 and established by regulations adopted by the Secretary of State. (§ 2171(b).)

A conditional voter registration shall be deemed effective if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and that the information provided by the registrant on the registration affidavit matches information contained in a database maintained by the Department of Motor Vehicles or the federal Social Security Administration. (§ 2170(c)(1).)

If the information provided by the registrant on the registration affidavit cannot be verified pursuant to Section 2170(c)(1) but the registrant is otherwise eligible to vote, the registrant shall be issued a unique identification number pursuant to Section 2150 and the conditional voter registration shall be deemed effective. (§ 2170(c)(2).)

The county elections official shall offer conditional voter registration and provisional voting pursuant to Division 2, Chapter 2, Article 4.5 (commencing with Section 2170) in accordance with all of the following procedures (§ 2170(d)):

- (1) The elections official shall provide conditional voter registration and provisional voting pursuant to Division 2, Chapter 2, Article 4.5 (commencing with Section 2170) at all permanent and satellite offices of the county elections official and all polling places in the county.
- (2) The elections official shall advise registrants that a conditional voter registration will be effective only if the registrant is determined to be eligible to register to vote for the election and the information provided by the registrant on the registration affidavit is verified pursuant to Section 2170(c).
- (3) The elections official shall conduct the receipt and handling of each conditional voter registration and offer and receive a corresponding provisional ballot in a manner that protects the secrecy of the ballot and allows the elections official to process the registration, determine the registrant's eligibility to register, and validate the registrant's information before counting or rejecting the corresponding provisional ballot.
- (4) After receiving a conditional voter registration, the elections official shall process the registration, determine the registrant's eligibility to register, and attempt to validate the registrant's information.
- (5) If a conditional registration is deemed effective, the elections official shall include the corresponding provisional ballot in the official canvass.

After receiving a conditional voter registration, the elections official shall provide the voter a provisional ballot in accordance with the following procedures (§ 2170(e)):

- (1) If the elections office, satellite office, or polling place is equipped with an electronic poll book, or other means to determine the voter's precinct, the elections official shall provide the voter with a ballot for the voter's precinct if the ballot is available. The ballot may be cast by any means available at the elections office, satellite office, or polling place.

- (2) If the elections official is unable to determine the voter's precinct, or a ballot for the voter's precinct is unavailable, the elections official shall provide the voter with a ballot and inform the voter that only the votes for the candidates and measures on which the voter would be entitled to vote in the voter's assigned precinct may be counted pursuant to Section 14310(c)(3). The ballot may be cast by any means available at the elections office, satellite office, or polling place.
- (3) Notwithstanding Section 2170(e)(2), if the elections official is able to determine the voter's precinct, but a ballot for the voter's precinct is unavailable, the elections official may inform the voter of the location of the voter's polling place. A voter described in this paragraph shall not be required to vote at the voter's polling place and may instead, at the voter's choosing, cast a ballot pursuant to Section 2170(e)(2).
- (4) Section 2170(e) does not apply to elections conducted pursuant to Section 4005.

An elections official may offer a nonprovisional ballot to a registrant if the official does both of the following.  
(§ 2170(f)):

- (1) Uses the statewide voter registration database developed in compliance with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.) to do all of the following before issuing the nonprovisional ballot:
  - (A) Verify that the registrant is deemed eligible to register to vote.
  - (B) Verify that the registrant has not voted in the state in that election.
  - (C) Verify that the registrant has not been included on a roster for that election in another county in the state that is not conducting elections pursuant to Section 4005.
  - (D) Update the voter's record to indicate that the voter has voted in that election.
- (2) If the registrant has been included on a roster for that election in that county, the official updates that roster to indicate that the voter has voted and shall not be issued another nonprovisional ballot for that election.

A provisional ballot cast under pursuant to Division 2, Chapter 2, Article 4.5 (commencing with Section 2170) shall be subject to the requirements for provisional voting in Division 14, Chapter 3, Article 5 (commencing with Section 14310). (§ 2171(c).)

The elections official shall cancel any duplicate voter registrations that may exist as a result of a conditional registration deemed effective and shall cancel the duplicate registrations in accordance with Division 2, Chapter 3 (commencing with Section 2200). (§ 2172(a).)

If it appears that a registrant may have committed fraud within the meaning of Section 18560, the elections official shall immediately notify in writing both the district attorney and the Secretary of State. (§ 2172(b).)

#### Local, Special, or Consolidated Elections

Every person is entitled to vote at a local, special, or consolidated election who is registered in any one of the precincts which compose the local, special, or consolidated election precincts. (§ 10000.)

#### Instruction to Voter

Before each voter enters the voting booth, the precinct board shall inform the voter how to operate the voting device. If a marking or punching device is used, the voter shall be instructed to use only that device. The voter shall also be instructed how to fold the ballot and place it in the envelope. If any voter, after entering the booth, asks for information regarding the operation of the machine or device, the precinct board shall give the voter the information. (§ 14272.)

#### Marking Device Handed to Voter

The device for marking the ballot may be handed to the voter with their ballot before the voter goes into the voting booth, and shall be returned to the precinct board after the voter has finished marking their ballot. (§ 14273.)

#### Voter Moved to New Precinct

A person duly registered as a voter in any precinct in California who moves from the precinct within 14 days prior to an election shall, for the purpose of that election, be entitled to vote in the precinct from which the person moved until the close of the polls on the date of that election. (§ 2035.)

#### Voter Who Has Moved and Not Reregistered

A voter who has moved from one address to another within the same county and who has not reregistered to vote at that new address may, at the voter's option, vote on the day of the election at the polling place at which the voter is entitled to vote based on their current residence address, or at the office of the county elections official or other central location designated by that elections official. The voter shall be reregistered at the place of voting for future elections. (§ 14311(a).)

Voters casting ballots as permitted in the preceding paragraph shall be required to vote by provisional ballot, as provided in Section 14310. (§ 14311(b).)

#### Name and Address of Voter – Signing of Roster

Any person desiring to vote shall state or provide their name and address and, upon the precinct officers finding the name in the roster, the voter shall then sign their name in the space provided. If the voter is unable to sign, the voter shall have their name signed by another person on the roster provided for that purpose, whereupon a challenge may be interposed as provided in Division 14, Chapter 3, Article 2. (§ 14216(a).)

#### Change of Surname

If the surname of any person offering to vote has been changed since the person has registered, the person shall sign their name as it was before the change and also the appropriate name as it is at the time the person votes, indicating on the roster on the same line by brackets or other means that the two names are the name of one person. (§ 14218.)

#### **4. Voter's Name Not on Roster.**

##### Inability to Find Voter's Name on Roster

If the precinct board is unable to find a voter's name upon the roster, it shall inform the voter that they may cast a provisional ballot and the procedure for doing so. If the voter elects to cast a provisional ballot, the precinct board shall furnish the voter with a provisional ballot, in accordance with Section 14310. (§ 14217.)

##### Voting a Provisional Ballot

At all elections, a voter claiming to be properly registered, but whose qualification or entitlement to vote cannot be immediately established upon examination of the roster for the precinct or upon examination of the records on file with the county elections official, shall be entitled to vote a provisional ballot as follows (§ 14310(a)):

- (1) An elections official shall advise the voter of the voter's right to cast a provisional ballot.

- (2) The voter shall be provided a provisional ballot, written instructions regarding the process and procedures for casting the provisional ballot, and a written affirmation regarding the voter's registration and eligibility to vote. The written instructions shall include the information set forth in Section 14310(c) and (d).
- (3) The voter shall be required to execute, in the presence of an elections official, the written affirmation stating that the voter is eligible to vote and registered in the county where the voter desires to vote.

Once voted, the voter's ballot shall be sealed in a provisional ballot envelope, and the ballot in its envelope shall be deposited in the ballot box. All provisional ballots voted shall remain sealed in their envelopes for return to the elections official in accordance with the elections official's instructions. The provisional ballot envelopes specified in Section 14310(b) shall be a color different than the color of, but printed substantially similar to, the envelopes used for vote by mail ballots, and shall be completed in the same manner as vote by mail envelopes. (§ 14310(b).)

During the official canvass, the elections official shall examine the records with respect to all provisional ballots cast. Using the procedures that apply to the comparison of signatures on vote by mail ballots pursuant to Section 3019, the elections official shall compare the signature on each provisional ballot envelope with the signature on the voter's affidavit of registration or another signature in the voter's registration record. If the signatures do not compare or the provisional ballot envelope is not signed, the ballot shall be rejected. A variation of the signature caused by the substitution of initials for the first or middle name, or both, shall not invalidate the ballot. (§ 14310(c)(1).)

Provisional ballots shall not be included in any semiofficial or official canvass, except under one or more of the following conditions (§ 14310(c)(2)(A)):

- (1) The elections official establishes prior to the completion of the official canvass, from the records in their office, the claimant's right to vote.
- (2) The provisional ballot has been cast and included in the canvass pursuant to Division 2, Chapter 2, Article 4.5 (commencing with Section 2170).
- (3) Upon the order of a superior court in the county of the voter's residence.

A voter may seek the court order specified in Section 14310(c)(2) regarding their own ballot at any time prior to completion of the official canvass. Any judicial action or appeal shall have priority over all other civil matters. A fee shall not be charged to the claimant by the clerk of the court for services rendered in an action under Section 14310. (§ 14310(c)(2)(B).)

The provisional ballot of a voter who is otherwise entitled to vote shall not be rejected because the voter did not cast their ballot in the precinct to which the voter was assigned by the elections official. If the ballot cast by the voter contains the same candidates and measures on which the voter would have been entitled to vote in their assigned precinct, the elections official shall count the votes for the entire ballot. If the ballot cast by the voter contains candidates or measures on which the voter would not have been entitled to vote in his or assigned precinct, the elections official shall count only the votes for the candidates and measures on which the voter was entitled to vote in their assigned precinct. (§ 14310(c)(3).)

Section 14310 shall apply to any vote by mail voter described by Section 3015 who is unable to surrender their unvoted vote by mail voter's ballot. (§ 14310(f).)

Any existing supply of envelopes marked "special challenged ballot" may be used until the supply is exhausted. (§ 14310(g).)

### State of Emergency – Emergency Worker Can Cast a Ballot Outside of Home Precinct

Upon the declaration of a state of emergency by the Governor and the issuance of an executive order authorizing an emergency worker to cast a ballot outside of their home precinct, elections officials in the counties included in the executive order shall, upon demand, issue to an emergency worker a provisional ballot that may be identical to the provisional ballot offered to other voters in the county, using a process to be determined by the elections official. The elections official shall transmit for processing any ballot cast, including any materials necessary to process the ballot, pursuant to Section 14313 to the elections official in the county where the voter is registered to vote. (§ 14313(a).) To be counted, a ballot cast pursuant to Section 14313 shall satisfy both of the following requirements. (§ 14313(b)):

- (1) Be cast by the voter no later than the close of the polls on election day.
- (2) Be received by the county elections official where the voter is registered on or before the 10th day following the date of the election.

Upon receipt of the returned ballot, the elections official shall process the ballot pursuant to the procedures in Section 14310(c). (§ 14313(c).)

If the requirements in Section 14313(b) and (c) are met and the ballot is eligible to be counted, the ballot shall be duplicated and all other materials preserved according to the procedures set forth in the Elections Code. (§ 14313(d).)

For the purposes of Section 14313, "emergency worker" means a person who is officially engaged in responding to the proclaimed state of emergency and whose vocation has been identified in an executive order relating to the state of emergency. (§ 14313(e).)

### Voter Claims Erroneous Cancellation of Affidavit of Registration

A voter who has a registration status of inactive, who offers to vote at any election between the date of the verification mailing required by Section 2225(c) and two federal general elections after the date of that mailing, who notifies the elections official of a continued residency, or who has confirmed the voter's voter registration record on the internet website of the Secretary of State, shall have the voter's voter registration status updated to active. (§ 2226(c).)

## **5. Challenge.**

### Who Can Challenge

A person offering to vote may be orally challenged within the polling place only by a member of the precinct board. (§ 14240(a).) A person, other than a member of a precinct board or other official responsible for the conduct of the election, shall not challenge or question any voter concerning the voter's qualifications to vote. (§ 14240(b).)

### Grounds for Challenge

A person offering to vote may be orally challenged within the polling place only by a member of the precinct board upon any or all of the following grounds (§ 14240(a)):

- (1) the voter is not the person whose name appears on the roster;
- (2) the voter is not a resident of the precinct, or in an election conducted using a vote center, not a resident of the county;
- (3) the voter is not a citizen of the United States;
- (4) the voter has voted in that election; or

## Challenge Procedure

If any member of a precinct board receives, by mail or otherwise, any document or list concerning the residence or other voting qualifications of any person or persons, with the express or implied suggestion, request, or demand that the person or persons be challenged, the board member shall first determine whether the document or list contains or is accompanied by evidence constituting probable cause to justify or substantiate a challenge. In any case, before making any use whatever of such a list or document, the member of the precinct board shall immediately contact the elections official charged with the duty of conducting the election, and describe the contents of the document or list and the evidence, if any, received bearing on voting qualifications. The elections official shall advise the members of the precinct board as to the sufficiency of probable cause for instituting and substantiating the challenge and as to the law as herein provided, relating to hearings and procedures for challenges by members of the precinct board and determination thereof by a precinct board. The elections official may, if necessary, designate a deputy to receive and answer inquiries from precinct board members as herein provided. (§ 14240(c).)

### Challenge on Ground of Non-residence - Undelivered Mail Not Acceptable as Sole Evidence

A piece of mailed matter returned undelivered by the post office shall not be accepted or used as evidence upon which to initiate a challenge as to residency by any member of the precinct board unless other evidence or testimony is also presented, nor shall the mailed matter, standing alone without other evidence or testimony, be accepted as evidence by the precinct board in determining a challenge. (§ 14241.)

### Challenge on Ground of Non-residence or Non-Citizenship - Determination

A voter may not be challenged on the ground that the voter is not a resident of the precinct, or in an election conducted using a vote center, not a resident of the county, at which the voter is offering to vote if the person (1) is duly registered as a voter in any precinct in California and (2) has moved from that precinct within 14 days prior to an election. (§ 14242.)

If the challenge is on the ground that the person seeking to vote is not a resident of the precinct, or in an election conducted using a vote center, not a resident of the county, the person challenged shall be sworn to answer questions, and after having been sworn, a member of the precinct board shall ask that person: "Are you a resident of this precinct?" or in an election conducted using a voter center, "Are you a resident of the county?" If the answer to the question is "Yes," without significant qualification, no other questions shall be asked. (§ 14244.)

Challenges of voters that they are not residents of the precinct or citizens of the United States shall be tried and determined by the precinct board at the time of the challenge. The precinct board may, at its discretion, also request any other person, present in the polling place to be sworn and answer questions, who the board believes may have knowledge or information concerning the facts of the challenge. (§ 14247.)

### Challenge on Ground of Voting Second Time or Impersonation - Determination

If the challenge to a voter is on the ground either that the person challenged is not the person whose name appears on the roster, or that the person has voted that day, the challenge shall be determined in favor of the person challenged if that person takes the oath as set forth either in Section 14243 (in cases of questioned identity) or Section 14245 (in cases of alleged attempts to vote more than once in one election). (§ 14246.)

Pursuant to Section 14243, if the challenge to a voter is on the ground that the person seeking to vote is not the person whose name appears on the roster, a member of the precinct board shall tender the following oath: "You do swear (or affirm) that you are the person whose name is entered on the roster." (§ 14243.)

Pursuant to Section 14245, if the challenge is on the ground that the person challenged has already cast a ballot for this election, a member of the precinct board shall tender to the person challenged this oath: "You do swear (or affirm) that you have not previously voted in this election, either by vote by mail ballot or at a polling place." (§ 14245.)

#### Challenge - Prior to Oath

Before administering an oath to a person regarding their place of residence, a member of the precinct board shall read to the person challenged, the rules prescribed by Section 14249 and Division 2, Chapter 1, Article 2 (commencing with Section 2020). (§ 14248.)

#### Challenge - Refusal to Take Oath

If any person challenged refuses to take the oaths tendered, or refuses to be sworn and to answer the questions concerning the matter of residence, that person shall not be allowed to vote. (§ 14249.)

#### Challenge - Doubt Resolved in Favor of Voter

Any doubt in the interpretation of the law shall be resolved in favor of the challenged voter. (§ 14251.)

#### Determination of Residence

The precinct board, in determining the place of residence of any person, shall be governed by the rules set forth in Division 2, Chapter 1, Article 2 (commencing with Section 2020). (§ 14250.)

#### Determination of Residence and Domicile

"Residence" for voting purposes—i.e., when determining a person's eligibility to vote in a particular location—means a person's domicile. (§ 349(a).) The "domicile" of a person is that place in which their habitation is fixed, wherein the person has the intention of remaining, and to which, whenever the person is absent, the person has the intention of returning. At a given time, a person may have only one domicile. (§ 349(b).) By contrast, the residence of a person is that place in which the person's habitation is fixed for some period of time, but wherein the person does not have the intention of remaining. At a given time, a person may have more than one residence. (§ 349(c).)

The term of domicile is computed by including the day on which the person's domicile commenced and by excluding the day of the election. (§ 2020.)

A person who leaves their home to go into another state or precinct in this state for temporary purposes merely, with the intention of returning, does not lose their domicile. (§ 2021(a).) A person does not gain a domicile in any precinct into which the person comes for temporary purposes merely, without the intention of making that precinct their home. (§ 2021(b).)

If a person moves to another state with the intention of making it their domicile, the voter loses their domicile in this state. (§ 2022.)

If a person moves to another state as a place of permanent residence, with the intention of remaining there for an indefinite time, the person loses their domicile in this state, notwithstanding that the person intends to return at some future time. (§ 2023.)

The mere intention to acquire a new domicile, without the fact of removal avails nothing; neither does the

fact of removal without the intention. (§ 2024.)

A person does not gain or lose a domicile solely by reason of their presence or absence from a place while employed in the service of the United States or of this state, nor while engaged in navigation, nor while a student of any institution of learning, nor while kept in an almshouse, asylum or prison. A student at an institution of learning is not prevented from qualifying as an elector in the locality where the person domiciles while attending that institution, when in fact the student has abandoned their former domicile. (§ 2025.)

The place where a person's family is domiciled is their domicile unless it is a place for temporary establishment for their family or for transient objects. Residence in a trailer or vehicle or at any public camp or camping ground may constitute a domicile for voting purposes if the registrant complies with the other requirements of Division 2, Chapter 1, Article 2. (§ 2027.)

If a person has a family fixed in one place, and the person does business in another place, the former is the person's place of domicile. However, if the person having a family fixed in one place, has taken up an abode in another place with the intention of remaining, and the person's family does not so reside with the person, the person is a domiciliary where the person has so taken up the abode. A person may take up an abode at the same place at which the person does business. (§ 2028.)

The domicile of one spouse shall not be presumed to be that of the other, but shall be determined independently in accordance with Division 2, Chapter 1, Article 2. (§ 2029.)

A domiciliary of this state who marries a person employed temporarily in this state in the service of the United States government, may elect to retain their domicile for the purpose of qualifying as an elector only, except that their domicile in this state shall terminate if such domiciliary qualifies as an elector in any other state or any territory. (§ 2030.)

If a person has more than one residence and that person maintains a homeowner's property tax exemption on the dwelling of one of the residences pursuant to Section 218 of the Revenue and Taxation Code, there shall be a rebuttable presumption that the residence subject to the homeowner's property tax exemption is that person's domicile. However, this presumption shall not apply in the event any other residence is listed as the person's current residence address on any driver's license, identification card, or vehicle registration issued to that person by, and on file with, the Department of Motor Vehicles. If a person has more than one residence and that person claims a renter's tax credit for one of the residences pursuant to Section 17053.5 of the Revenue and Taxation Code, there shall be a rebuttable presumption that the residence subject to the renter's tax credit is that person's domicile. However, this presumption shall not apply in the event any other residence is listed as the person's current residence address on any driver's license, identification card, or vehicle registration issued to such person by, and on file with, the Department of Motor Vehicles. Section 2031 shall not be applicable to state or federal elected officials. (§ 2031.)

Except as provided in Division 2, Chapter 1, Article 2, if a person has more than one residence and that person has not physically resided at any one of the residences within the immediate preceding year, there shall be a rebuttable presumption that those residences in which the person has not so resided within the immediate preceding year are merely residences as defined in Section 349(c) and not their domicile — i.e., they are not residences for voting purposes. (§ 2032.)

A "rebuttable presumption" is a presumption that affects the burden of producing evidence. (§ 346.)

Whenever the house number or the mailing address of a voter has been changed and the voter's domicile is the same, the public agency authorizing the change shall notify the county elections official in writing of the change

and the county elections official shall make the change on the voter's affidavit of registration and a new affidavit shall not be required. (§ 2033.)

A person domiciled in a house or apartment lying in more than one precinct shall be registered as domiciled in the precinct designated by the county elections official on the basis of the street address or other precinct the county elections official considers appropriate unless the person requests, either by letter or in person at the office of the county elections official, that the person wishes to be domiciled for registration purposes in another precinct in which their house or apartment lies. In order to fulfill this requirement, the letter of request shall include the name, signature, and residence address of the requester. (§ 2034.)

#### Certification of Registration

A certified copy of an uncancelled affidavit of registration from the county elections official is prima facie evidence that the person named in the entry is a voter of the county. (§ 2167.)

#### List of Challenges to Be Kept by Precinct Board

The precinct board shall compile a list showing all of the following (§ 14252):

- (a) The name and address of each person challenged.
- (b) The name, address, and any other identification as a voter, of each person offering information concerning any person's qualifications to vote, or testifying pursuant to Section 14247, together with the name and address and any other identification of the person about whom the information or testimony is given.
- (c) The grounds of each challenge.
- (d) The determination of the board upon the challenge, together with any written evidence pertaining thereto.
- (e) If evidence has been presented to the board requesting challenges, the evidence shall be returned to the elections official responsible for the conduct of the election.

#### Challenge - Discontinuation

In the event the precinct board determines that persistent challenging of voters is resulting in a delay of voting sufficient to cause voters to forego voting because of insufficient time or for fear of unwarranted intimidation, the board shall discontinue all challenges, and so note on the roster. (§ 14253.)

#### If Challenge Overruled, Voter to Be Given Ballot

If the challenge is overruled, the election officer shall give the voter a ballot and the voter shall be allowed to Vote.

### **6. Receiving and Marking Ballots.**

#### One Ballot to Each Voter

The precinct board shall give each voter only one ballot, as provided in Section 13102. (§ 14278.)

#### Procedure if Insufficient Ballots at the Precinct

If a precinct board is unable to furnish a ballot to a qualified voter because there is an insufficient number of ballots at the precinct, the elections official shall deliver to the precinct additional ballots to ensure that all eligible

voters can cast their ballots within two hours. (§ 14299(a).)

While awaiting the delivery of additional ballots, the precinct board shall provide each voter with the option of casting their vote immediately using an alternative procedure established prior to the election or waiting for the delivery of the additional ballots. (§ 14299(b).)

This required alternative procedure shall be subject to approval by the Secretary of State. The elections official shall submit the alternative procedure to the Secretary of State for approval by a date to be determined by the Secretary of State. (§ 14299(c).)

#### Provide Facsimile Ballot to Voter

The precinct board shall provide, upon request, to a voter for use in the voting booth or compartment, a copy of the facsimile ballot containing ballot measures and instructions printed in Spanish or in other languages, as required by Section 14201, unless county voter information guides and ballots for voting are already being provided in that language under the federal Voting Rights Act of 1965 as amended by Public Law 94-73. (§ 14219.)

#### At Primary Elections, Voter to Receive Official Primary Ballot

All voting shall be by ballot. There shall be provided, at each polling place, at each election at which public officers are to be voted for, but one form of ballot for all candidates for public office, except that, for partisan primary elections, one form of ballot shall be provided for each qualified political party as well as one form of nonpartisan ballot, in accordance with Section 13102(b). (§ 13102(a).)

At partisan primary elections, each voter not registered as disclosing a preference for any one of the political parties participating in the election shall be furnished only a nonpartisan ballot, unless the voter requests a ballot of a political party and that political party, by party rule duly noticed to the Secretary of State, authorizes a person who has declined to disclose a party preference to vote the ballot of that political party. The nonpartisan ballot shall contain only the names of all candidates for nonpartisan offices, voter-nominated offices, and measures to be voted for at the primary election. Each voter registered as preferring a political party participating in the election shall be furnished only a ballot for which the voter disclosed a party preference in accordance with Section 2151 or 2152 and the nonpartisan ballot, both of which shall be printed together as one ballot in the form prescribed by Section 13207. (§ 13102(b).)

At partisan primary elections, before providing a voter who has declined to disclose a political party preference with a nonpartisan ballot or before the voter enters the voting booth, as applicable, a member of the precinct board shall provide a uniform notification to the voter informing the voter that they may request a political party's ballot and the name of each political party that has authorized a voter who has declined to disclose a political party preference to vote in its ballot. (§ 14227.5(a).)

A political party may adopt a party rule in accordance with Section 13012(b) that authorizes a person who has declined to disclose a party preference to vote the ballot of that political party at the next ensuing partisan primary election. The political party shall notify the party chair immediately upon adoption of that party rule. The party chair shall provide written notice of the adoption of that rule to the Secretary of State not later than the 135th day before the partisan primary election at which the vote is authorized. (§ 13102(c).)

The county elections official shall maintain a record of which political party's ballot was requested pursuant to Section 13102(b), or whether a nonpartisan ballot was requested, by each person who declined to disclose a party preference. The record shall be made available to any person or committee who is authorized to receive copies of the printed roster for primary and general elections pursuant to Section 2184. A record produced pursuant to Section 13102(d) shall be made available in either a printed or electronic format, as requested by the authorized person or committee. (§ 13102(d).)

#### Voters to Receive Ballot Only in the Proper Precinct

Unless otherwise provided by law, no person shall apply for or receive any ballot at any precinct other than that in which the voter is entitled to vote. (§ 14279.)

#### Voters to Receive Ballot Only from Precinct Officer

Unless otherwise provided by law a voter shall not receive a ballot from any person other than one of the precinct officers. No person other than a precinct officer or officer authorized by law shall deliver a ballot to any voter. (§ 14280.)

#### Voters are to Be Instructed on Marking Ballots and How to Mark

All ballots shall be marked only with the marking device provided by the elections official or, for vote by mail ballots, recommended by the elections official. (§ 14284(a).)

If a ballot cannot be tabulated because of the marking device used, it shall be processed as specified in Section 15210. (§ 14284(b).)

#### Receipt of Ballot; Voting Booth Occupancy

On receiving a ballot, the voter shall forthwith retire alone to one of the booths or compartments provided, and mark the ballot, unless Section 14222 or 14224 is applicable. (§ 14281.)

Pursuant to Section 14222, nothing contained in the Elections Code shall prevent a voter from being accompanied by a child or children under the age of 18 years while the voter is within the voting booth area if the child is, or children are, under the voter's care.

Pursuant to Section 14224, except as provided in Section 14222, voting booths or compartments shall not be occupied by more than one person at a time, unless the voter is eligible under the assisted voter provisions (see below). (§ 14224(a).) Voters shall not remain in or occupy the booths or compartments longer than is necessary to mark their ballots, which shall not exceed 10 minutes. If a voter informs a precinct board member that the voter requires additional time to mark their ballot, a longer period shall be allowed. However, if the precinct board member determines that the voter is attempting to interfere with the conduct of the election and does not require additional time to mark their ballot, the precinct board member may contact the elections official, who may order that the voter not be provided with additional time to mark their ballot. (§ 14224(b).)

#### Voters Assisted - When and How

If a voter is unable to mark a paper ballot or the ballot marking device, the voter shall receive the assistance of not more than two persons selected by the voter, other than the voter's employer, an agent of the voter's employer, or an officer or agent of the union of which the voter is a member. (§ 14282(a).)

The county elections official shall provide information on the county elections internet website and in the county voter information guide informing voters that a voter who is unable to mark a ballot may bring up to two individuals to the polls to assist them in voting as specified in Section 14282(a), and that a voter with a disability may vote a regular ballot outside a polling place in accordance with Section 14282(d). The information shall be available in all languages for which the county has requirements under Section 14201 and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.). (§ 14282(b).)

A person assisting a voter shall not divulge any information regarding the marking of the ballot. (§ 14282(c).)

A voter with a disability may appear outside the polling place and vote a regular ballot. The person may vote the ballot in a place that is as near as possible to the polling place and that is accessible to people with disabilities. A precinct board member shall take a regular ballot or ballot marking device to that person, qualify that person to vote, and return the voted ballot to the polling place. (§ 14282(d)(1).)

A precinct board member may satisfy the provision of Section 14822(d)(1) by only bringing a regular ballot outside to the voter if the county does not have the capability to bring the ballot marking device outside of the polling place. (§14282(d)(2).)

Signage shall be posted outside the polling place and adjacent to the area where the voter may appear to vote indicating that the option is available for a voter with a disability to vote there. The polling place shall establish a method for a voter with a disability to contact a precinct board member in order to vote outside the polling place, such as a posted phone number, doorbell device, or the stationing of a precinct board member outside the polling place. (§14282(d)(3).)

#### Assisted Voters List

The precinct officers shall keep a list of the voters who have been assisted in marking their ballots. The list of assisted voters shall be returned to the elections official and preserved with other election materials and records. (§ 14283.)

#### Voting For More Than One Candidate

To vote in a context where two or more candidates for the same office are to be elected, a voter shall mark the voting targets next to the names of the candidates of the voter's choice, up to the number of candidates to be elected. (§ 14285.)

#### Measures to Be Voted On

When a measure is submitted to the voters, the voter shall place a mark on the ballot in the appropriate space next to the answer the voter desires to give as to that measure. The voter, in marking the ballot, shall use the marking device provided. (§ 14286.)

#### Recall Election

In addition to the material contained in Section 11320, the following shall appear on ballots at all recall elections, except at a landowner voting district recall election (§ 11322):

- a. The names of the candidates nominated to succeed the officer sought to be recalled shall appear under each recall question.
- b. Following each list of candidates, the ballot shall provide one blank line with a voting target next to it.

A voter shall indicate, by completely selecting the voting target next to either "Yes" or "No", their vote for or against the recall proposal, respectively. (§ 11323.)

### No Identifying Marks on Ballot

No voter shall place personal information upon a ballot that identifies the voter. "Personal information" includes all of the following (§ 14287):

- (a) The signature of the voter.
- (b) The initials, name, or address of the voter.
- (c) A voter identification number.
- (d) A social security number.
- (e) A driver's license number.

### Folding Ballot or Placing in an Envelope

Before leaving the voting booth or compartment, the voter shall, depending on the type of ballot: (1) fold or place the ballot card in the envelope so that the ballot markings of the voter will not be exposed, and the ballot stub will be outside of the envelope or other container, to be removed by the precinct board; or (2) fold the ballot according to the instructions on it, so that the marks on its face are not visible and only the number on the ballot and the top margin are exposed. (§§ 14275, 14292.)

### Voter Shall Not Reveal Contents of Ballot - Exception

After the ballot is marked, a voter shall not show it to any person in a manner that reveals its contents, except a voter may voluntarily disclose how they voted if that voluntary act does not violate any other law (§ 14291.)

### Depositing Ballot in Ballot Container or Box

The voter shall hand the folded ballot or the envelope containing the ballot to a precinct board member who shall remove the ballot stub, hand it to the voter, and deposit the ballot in the ballot container, or for a folded ballot separate the slip containing the number from the ballot, hand the slip to the voter, and deposit the ballot in the ballot box in the presence of the voter. (§§ 14277, 14293.)

If the ballot is to be transferred from an envelope to the ballot container, care shall be taken not to disclose the markings of the voter on the ballot. (§ 14277.)

### Spoiled Ballots

If a voter spoils or defaces a ballot, the voter shall at once return it to the ballot clerk and receive another ballot. A voter shall not receive more than a total of three ballots, including their original ballot, in this manner. (§ 14288.)

### Cancellation of Spoiled Ballots

The precinct board shall immediately cancel, without unfolding them, all the spoiled ballots returned. The board shall write the word "spoiled" on the back of each spoiled ballot in ink or indelible pencil and return the spoiled ballots with the unused ballots. (§ 14290.)

### Cancelled Ballots

Any voter who does not vote the ballot the voter has received, shall, before leaving the polling place, return it to the board member having charge of the ballots, who shall immediately cancel it. All canceled ballots shall be returned to the ballot clerk in the same manner as spoiled ballots. (§ 14296.)

### Notation of Vote

No later than the time at which the voter delivers the voted ballot, a precinct board member in charge of the voter list shall write in the space opposite the name of the voter the line number designating the position of the name on the roster. In those counties using a combined roster, the voter's name shall be crossed off of the voter list in lieu of numbering. (§ 14297(a).)

In an election conducted using vote centers, or if an electronic poll book is used, only the electronic roster shall be updated. (§ 14297(b).)

### Delivery to Precinct Boards of Ballot

No voter shall deliver to any member of the precinct board any ballot other than the one received from the board member. (§ 14295.)

### Number Slip Removal

Members of the precinct board shall not deposit in the ballot container any ballot from which the slip containing the number of the ballot has not been removed by a member of the precinct board and handed to the voter. Section 14225 does not apply to a vote by mail ballot. (§ 14225.)

### Notice of Persons Voted

At all elections, a member of the precinct board shall mark, in the space provided on the voter list posted at or near the polling place, the name of each person who has voted, by drawing a line through the name of the voter, with a pen or indelible pencil. The board member shall mark off the names at least once each hour, to and including 6 p.m. In all counties not using the voter list, the board member shall draw a line under the last name signed in the roster at 6 p.m. or at the time of discontinuation of this procedure, whichever occurs last. (§ 14294(a).)

If an electronic poll book is used at the polling place, the elections official may use a printout or an electronic means of notification of the list of each person who has voted. The elections official shall provide the printout or electronic notification at least once each hour, to and including 6 p.m., or at the time of discontinuation of this procedure, whichever occurs last. (§ 14294(b).)

### Maintenance of Voter List

The precinct board shall maintain at least one printed copy of the voter list posted during the whole time of voting. The copies of the voter list shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14294. (§ 14298(a).)

A member of the precinct board shall post a notice on each voter list that reads as follows: "This voter list shall not be marked in any manner except by a member of the precinct board acting pursuant to Section 14294. Any person who removes, tears, marks, or otherwise defaces this voter list with the intent to falsify or prevent others from readily ascertaining the name, address, or political preference of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor." (§ 14298(b).)

If an electronic poll book is used, a notice shall be posted near the electronic poll book that reads as follows: "This electronic roster shall not be operated in any manner except by a member of the precinct board acting pursuant to Section 14294. Any person who tampers with, manipulates, or otherwise operates or interacts with this device with the intent to falsify or prevent others from readily ascertaining the name, address, or political preference of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor." (§ 14298(c).)

## **7. Vote By Mail and Military or Overseas Voters Voting.**

### Returning Vote By Mail Ballot in Person

A voter may vote their vote by mail ballot, without the identification envelope, in person at the polling place designated for the voter's home precinct or at a vote center established pursuant to Section 4005, if all of the following conditions are met (§ 3016.5(a).):

- (1) The precinct board or vote center election board has real-time access to the county elections official's election management system, and does both of the following:
  - A) Verifies that the voter has not returned a vote by mail ballot for that election.
  - B) Changes the status of the voter in the election management system from a vote by mail voter to an in-person voter.
- (2) After the voter's status has been changed pursuant to Section 3016.5(1)(B), the voter provides their name, address, and signature pursuant to Section 14216.
- (3) The county elections official has established procedures to ensure that a voter who casts a ballot pursuant to this subdivision does not submit more than one vote by mail ballot without the identification envelope, and the precinct board or vote center election board complies with those procedures.

A ballot cast pursuant to subdivision (a) shall be processed and counted in the same manner as a nonprovisional ballot cast in person at the polling place or vote center. (§ 3016.5(b).)

### Surrender of Vote By Mail Voter Ballot

Notwithstanding Section 14310(f), vote by mail voters who return to the polling place designated for their home precincts on or before election day, or go to a vote center established pursuant to Section 4005, or to the office or satellite office of an elections official where voting is permitted, shall be permitted to vote nonprovisional ballots if either of the following conditions is satisfied (§ 3015(a).):

- (1) They surrender their vote by mail voter ballots to the inspector of the precinct board, a member of the vote center election board, or the elections official.
- (1) They are unable to surrender their vote by mail voter ballots pursuant to paragraph (1) but the precinct board, vote center election board, or elections official does all of the following:
  - (A) Verifies that they have not returned their vote by mail ballots.
  - (B) Notates their voter records to ensure that their vote by mail ballots are not cast or tabulated after they vote at the polls.

The precinct board and vote center election board shall return the unused vote by mail voters' ballots surrendered pursuant to Section 3015(a) to the elections official in an envelope designated for this purpose. (§ 3015(b).)

### Provisional Ballot When Unable to Surrender Vote By Mail Voter Ballot

Vote by mail voters who return to the polling place designated for their home precincts on or before election day, or go to a vote center established pursuant to Section 4005, or to the office or satellite office of an elections official where voting is permitted, shall be issued a provisional ballot in accordance with Section 14310 if neither of the conditions in Section 3015(a) is satisfied. (§ 3016.)

### Return of Voted Vote By Mail Ballot

All vote by mail ballots cast under Division 3 shall be voted on or before the day of the election. After marking the ballot, the vote by mail voter shall do any of the following (§ 3017(a)(1)):

- (A) Return the ballot by mail or in person to the elections official who issued the ballot.
- (B) Return the ballot in person to a member of a precinct board at a polling place or vote center within the state.
- (C) Return the ballot to a vote by mail ballot drop off location within the state that is provided pursuant to Section 3025 or 4005.<sup>1</sup>

A vote by mail voter who is unable to return the ballot may designate another person to return the ballot to the elections official who issued the ballot, to the precinct board at a polling place or vote center within the state, or to a vote by mail ballot drop off location within the state that is provided pursuant to Section 3025 or 4005. (§ 3017(a)(2).) The ballot must be received by the elections official who issued the ballot, the precinct board, or the vote by mail ballot drop off location before the close of the polls on election day. If a vote by mail ballot is returned to a precinct board at a polling place or vote center, or to a vote by mail ballot drop off location, that is located in a county that is not the county of the elections official who issued the ballot, the elections official for the county in which the vote-by-mail ballot is returned shall forward the ballot to the elections official who issued the ballot no later than eight days after receipt. (§ 3017(a)(3).)

The elections official shall establish procedures to ensure the secrecy of any ballot returned to a polling place and the security, confidentiality, and integrity of any personal information collected, stored, or otherwise used pursuant to Section 3017. (§ 3017(b).)

The provisions of Section 3017 are mandatory, not directory, and a ballot shall not be counted if it is not delivered in compliance with Section 3017. (§ 3017(d).)

A person designated to return a vote by mail ballot shall not receive any form of compensation based on the number of ballots that the person has returned and an individual, group, or organization shall not provide compensation on this basis. (§ 3017(e)(1).)

For purposes of Section 3017(e), “compensation” means any form of monetary payment, goods, services, benefits, promises or offers of employment, or any other form of consideration offered to another person in exchange for returning another voter’s vote by mail ballot. (§ 3017(e)(2).)

A person in charge of a vote by mail ballot and who knowingly and willingly engages in criminal acts related to that ballot as described in Division 18 (commencing with Section 18000), including, but not limited to, fraud, bribery, intimidation, and tampering with or failing to deliver the ballot in a timely fashion, is subject to the appropriate punishment specified in that division. (§ 3017(e)(3).)

### Receipt of Vote By Mail Ballot

All vote by mail ballots cast under Division 3 shall be received by the elections official from whom they were obtained or by the precinct board no later than the close of the polls on election day. (§ 3020(a).)

Notwithstanding Section 3020(a), any vote by mail ballot cast under Division 3 shall be timely cast if it is received by the voter's elections official via the United States Postal Service or a bona fide private mail delivery company no later than seven days after election day and either of the following is satisfied (§ 3020(b)):

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<sup>1</sup> Section 3018 provides a procedure through which a voter using a vote by mail ballot can instead vote the ballot at the office of the elections official or a satellite location designated by the elections official.

- (1) The ballot is postmarked on or before election day or is time stamped or date stamped by a bona fide private mail delivery company on or before election day.
- (2) If the ballot has no postmark, a postmark with no date, or an illegible postmark, the vote by mail ballot identification envelope is date stamped by the elections official upon receipt of the vote by mail ballot from the United States Postal Service or a bona fide private mail delivery company, and is signed and dated pursuant to Section 3011 on or before election day.

For purposes of Section 3020(c), “bona fide private mail delivery company” means a courier service that is in the regular business of accepting a mail item, package, or parcel for the purpose of delivery to a person or entity whose address is specified on the item. (§ 3020(c).)

A valid ballot cast shall by a military or overseas voter be counted if it is received by the elections official in accordance with Section 3020, as described here. (§ 3117.)

#### Military or Overseas Voter May Register Upon Return to the County or Upon Requirement to Move

A military or overseas voter who is qualified pursuant to Section 300(b)(1) may apply in person to the voter’s elections official for permission to register after the closing date of registration under the following conditions (§ 3108 (a)):

- (1) The military or overseas voter is released from service after the closing date of registration for an election, returns to the county of their residence, and is not a registered voter. To register, the elector shall furnish documentary proof that the voter was released from service after the closing date of registration for the election.
- (2) The military or overseas voter is required to move under official active duty military orders after the closing date of registration. To register, the elector shall furnish a copy of their official military orders.

On or before the day of election, or the first day a vote center opens, the elections official shall deliver to the precinct board a list of military or overseas voters who registered under Section 3108. (§ 3108(b).)

#### Military or Overseas Voter Who Returns to the County

If any military or overseas voter to whom a vote by mail ballot has been mailed and which ballot has not been voted by them returns to the county in which they are registered, or for a military or overseas voter qualified pursuant to paragraph (2) of subdivision (b) of Section 321, to the county in which the applicant's parent or legal guardian resided when the parent or legal guardian last lived within the territorial limits of the United States or the District of Columbia on or before election day, they may apply for a replacement ballot pursuant to Section 3014. The elections official shall then issue another vote by mail ballot to the voter, or the elections official shall certify to the precinct board that the voter is eligible to vote in the election (§ 3109.)

#### Registered Military or Overseas Voters

If any military or overseas voter returns to the county of their residence, or for a military or overseas voter qualified pursuant to Section 321(b)(2), to the county in which the applicant's parent or legal guardian resided when the parent or legal guardian last lived within the territorial limits of the United States or the District of Columbia, after the seventh day prior to the date of the election, they may appear before the elections official and make application for registration. The elections official shall register the voter, if the voter is not registered, and deliver to the voter by mail ballot, which may be voted in the elections official's office or voted outside the elections official's office on or before the close of the polls on the day of election and returned as are other vote by mail ballots. (§ 3110.)

#### **8. Services Available at a Vote Center.**

For an election conducted using a vote center, a voter residing in that county may do any of the following at any vote center in the county (§ 4005(a)(2)(A)):

- (1) Return, or vote and return, their vote by mail ballot.
- (2) Register to vote, update their voter registration, and vote pursuant to Section 2170.
- (3) Receive and vote a provisional ballot pursuant to Section 3016 or Division 14, Chapter 3, Article 5 (commencing with Section 14310).
- (4) Receive a replacement ballot upon verification that a ballot for the same election has not been received from the voter by the county elections official. If the county elections official is unable to determine if a ballot for the same election has been received from the voter, the county elections official may issue a provisional ballot.
- (5) Vote a regular, provisional, or replacement ballot using accessible voting equipment that provides for a private and independent voting experience.

#### **9. Retrieval of Ballots Prior to the Closing of the Polls.**

Notwithstanding any other provision of law, the county elections official may direct a precinct board to seal

the ballot container prior to the closing of the polls, in accordance with the procedures set forth in Sections 14420 and 14421. (§ 14422(a)(1).)

Notwithstanding Section 14215, as soon as the container is sealed, the county elections official may direct at least two elections officials to remove the sealed ballot container of voted untallied ballots from the polling place and the presence of any bystanders and to deliver the container to a receiving center or central counting place as directed. (§ 14422(a)(2).)

At least 48 hours in advance of an election, the elections official shall notify the public of the dates, times, and places at which ballot containers will be delivered pursuant to Section 14422(a). (§ 14422(a)(3).)

Upon receipt of a container at a receiving center or central counting place pursuant to Section 14422(a), the county elections official may process the voted untallied ballots, but shall not tally the ballots or release any results prior to the closing of the polls. (§ 14422(b).)

These provisions shall not be construed as relieving a precinct board of its responsibility to account for ballots pursuant to Section 14405. (§ 14422(d).)

## **10. Closing the Polls.**

### Time of Closing Polls - Generally

The polls shall be kept open until 8 p.m. of the day of any election, except as provided in Sections 4005 and 14401. (§ 14212.) When the polls are closed, the precinct board shall proclaim that fact aloud at the place of election. After the proclamation, no ballot shall be received. However, if at the hour of closing there are any other voters in the polling place, or in line at the door, who are qualified to vote and have not been able to do so since appearing, the polls shall be kept open a sufficient time to enable them to vote. (§ 14401.)

Anyone who arrives at the polling place after the time provided for closing the polls shall not be entitled to vote, even though the polls are open when the voter arrives. (§ 14402.)

### Time for Closing of Polls Extended by Court Order

If the time for closing the polls is extended pursuant to a court order, all votes cast during the time that the closing of the polls is extended shall be by provisional ballot. Any provisional ballots pursuant to Section 14402.5 shall be separated and held apart from other provisional ballots cast by voters prior to the time the closing of the polls was extended. (§ 14402.5.)

### Time of Closing Polls - Municipal Elections in General Law Cities

The polls shall be open on the day of election between the hours that the governing body determines, for at least eight consecutive hours. The hours of opening and closing the polls shall be specified in the notice of election, or shall otherwise be the same as provided for general elections. (§ 10242.)

### Procedures Before and After the Close of Polls

Before or at the close of the polls, the county elections official may direct the precinct board to seal the ballot container and record on forms provided by the elections official the information needed for the reconciliation of ballots required by Section 14405. (§ 14420(c).)

Except as provided in Section 14420(c), before or 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 14107. 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 the members of the precinct board. (§ 14420(b).)

Unless the county elections official has directed the precinct board to seal the ballot container and record information pursuant to Section 14420(c), 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.)

Notwithstanding any other provision of law, the county elections official may direct a precinct board to seal the ballot container prior to the closing of the polls, in accordance with the procedures set forth in Sections 14420 and 14421. (§ 14422(a)(1).) Notwithstanding Section 14215, as soon as the container is sealed, the county elections official may direct at least two elections officials to remove the sealed ballot container of voted untallied ballots from the polling place and the presence of any bystanders and to deliver the container to a receiving center or central counting place as directed. (§ 14422(a)(2).) At least 48 hours in advance of an election, the elections official shall notify the public of the dates, times, and places at which ballot containers will be delivered pursuant to Section 14422(a). (§ 14422(a)(3).)

Section 14422 shall not be construed as relieving a precinct board of its responsibility to account for ballots pursuant to Section 14405. (§ 14422 (d).)

Notwithstanding Section 14420, in elections conducted using vote centers, at the end of each voting day, the precinct board shall remove the voted ballots from the ballot container and deliver them to the central receiving center pursuant to Section 14422. (§ 14428(a).) The precinct board shall certify to the election official the number of ballots cast at the vote center on the roster, as well as the number of ballots voted. If there is any discrepancy between the numbers, the discrepancy shall be noted with an explanation of the difference and signed by all members of the precinct board. (§ 14428(b).) The precinct board shall record on forms the information needed for the reconciliation of the ballots required by Section 14405. (§ 14428(c).)

For vote centers using tabulating equipment, the precinct board shall record the number of ballots cast on each voting device and securely seal the device to prevent additional ballots from being cast until the next day of voting. The precinct board shall record all seals used for this procedure on a log for each vote center. (§ 14428(d).)

#### Rendering Unused Ballots Unusable

Immediately upon the closing of the polls and before any voted ballot is taken from any of the ballot containers, the precinct board member shall, in the presence of all persons in the room who may desire to observe them, proceed to render the unused ballots unusable in one of the following ways (§ 14403(a)):

- (1) By drawing across its face, in ink or indelible pencil, two lines that cross each other, the cross to be more than three inches square. The precinct board member shall thereupon, immediately and before any ballots are taken from any ballot container, place all defaced ballots within an envelope or other receptacle provided for that purpose.
- (2) By tearing or cutting in a manner so that it is apparent that the ballot has been intentionally destroyed to prevent its use. If this method of destruction is used, it shall be done in a manner so that the serial number of the ballots is retained for the purpose of reconciliation.
- (3) By placing all of the unused ballots into a special container provided for that purpose. A tamperproof seal containing spaces for entering the total number of unused ballots enclosed, the beginning and ending serial numbers thereof, and signature lines for all members of the precinct board following a statement certifying that all the ballots were placed in the container in their presence and the information on the seal is true and correct, shall be provided. After signing the seal, it shall be placed on the container in a manner so that the container cannot be opened without tearing the seal.

Section 14403(a) does not apply to elections conducted using vote centers. (§ 14403(b).)

Immediately upon the arrival of the hour when the polls are required by law to be closed on election day, the elections official conducting the election shall openly, in the elections official's main office, in the presence of any persons who are present to observe, according to the procedure set forth in Section 14403, proceed to render every unused ballot remaining in the control of the elections official unusable. The elections official shall forthwith make and file an affidavit, in writing, as to the number of ballots destroyed. If the sealed container method is used, the tamperproof seal shall be signed by the elections official and at least one deputy or assistant elections official or registrar. The sealed container shall then be placed, with the sealed containers containing unused ballots from the precincts, in a security area by the elections official until disposition is made pursuant to Section 17301 or 17302. (§ 14404(a).)

Alternatively, the elections official may, immediately upon the arrival of the hour when the polls are closed, recycle for any other lawful purpose any unused ballots remaining in the control of the elections official that clearly identify the election for which they were prepared. No later than 30 days following the last day to certify the official results of the election, the elections official shall make and file an affidavit, in writing, as to the number of ballots recycled. At the elections official's discretion, the unused ballots may be recycled up to six months following an election, or at the conclusion of an election contest proceeding, whichever is later. (§ 14404(a).)

Section 14404 does not apply to elections conducted using vote centers. (§ 14404(b).)

#### Reconciliation of Ballots

The members of the precinct board shall account for the ballots delivered to them by returning a sufficient number of unused ballots to make up, when added to the number of official ballots cast and the number of spoiled and canceled ballots returned, the number of ballots given to them. The accounting of ballots may either take place at

the polling place or be performed by the elections official at the central counting place. (§ 14405(a).)

The precinct board shall complete the roster as required in Section 14107, and shall also complete and sign the certificate of performance prescribed in Section 15280, if that section applies. (§ 14405(b).)

Section 14405 does not apply to elections conducted using vote centers. (§ 14405(c).)

#### Delivery of Ballots to Central Counting Place

If the ballots are to be counted at a central counting place, no fewer than two precinct board members shall, following the close of the polls, deliver the ballots, in a sealed container, to the central counting place or a designated receiving station. There may be two or more central counting places. (§ 15202.)