

VIII. Elections Code Sections Only Affecting Certain Counties

Pilot Program for San Diego County – All-Mailed Ballot Special Election or Special Consolidated Election

Notwithstanding Section 4000 or any other law, as a pilot program, an all-mailed ballot special election or special consolidated election in San Diego County may be conducted by an eligible entity if the special election or special consolidated election is any of the following (§ 4000.5(a)):

- (1) A special election to fill a vacancy in a congressional or legislative office.
- (2) A special election to fill a vacancy in the legislative body or governing body.
- (3) A special election conducted pursuant to Division 9, Chapters 2 (commencing with Section 9100), 3 (commencing with Section 9200), 4 (commencing with Section 9300), 5 (commencing with Section 9400), or 6 (commencing with Section 9500), or Division 11, Chapter 3 (commencing with Section 11200).

A special election or a consolidated election conducted pursuant to Section 4000.5(a) must meet certain requirements, including but not limited to the following (§ 4005(b)):

At least one polling place is provided per eligible entity or the polling places are fixed in a manner so that there is one polling place for every 10,000 registered voters within the jurisdiction of the eligible entity, as determined on the 88th day before the day of the election, whichever results in more polling places. A polling place shall allow a voter to request and vote a ballot between 7 a.m. and 8 p.m. on the day of the election. (§ 4000.5(b)(5)(A).)

The polling places provided under Section 4000.5 shall be established at accessible locations and shall be equipped with voting units or systems that are accessible to individuals with disabilities and that provide the same opportunity for access and participation as is provided to voters who are not disabled, including the ability to vote privately and independently in accordance with Sections 12280 and 19240. (§ 4000.5(b)(5)(C).)

If a polling place consolidates one or more precincts for which the elections official is required to recruit precinct board members who are fluent in a language in addition to English pursuant to the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), the elections official shall ensure that the polling place is staffed by precinct board members who speak that language. (§ 4000.5(b)(5)(D).)

If a polling place consolidates one or more precincts for which the elections official is required to recruit precinct board members who are fluent in a language in addition to English pursuant to Section 12303(c), the elections official shall make reasonable efforts to ensure that the polling place is staffed by precinct board members who speak that language. (§ 4000.5(b)(5)(E).)

Elections Conducted Using Vote Centers – All Counties Other Than Los Angeles

Notwithstanding Section 4000 or any other law, any county other than the County of Los Angeles may conduct any election as an all-mailed ballot election if all of the following apply (§ 4005(a)):

- (1) (A) At least two ballot dropoff locations are provided within the jurisdiction where the election is held or the number of ballot dropoff locations are fixed in a manner so that there is at least one ballot dropoff location provided for every 15,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election, whichever results in

more ballot dropoff locations. For purposes of this subparagraph, a vote center that includes an exterior ballot drop box counts only as a single ballot dropoff location. Ballot dropoff locations shall comply with the regulations adopted pursuant to Section 3025(b).

(B) A ballot dropoff location provided for under Section 4005 consists of a secure, accessible, and locked ballot box located as near as possible to established public transportation routes and that is able to receive voted ballots. All ballot dropoff locations shall be open at least during regular business hours beginning at least 28 days before the day of the election, and on the day of the election. At least one ballot dropoff location shall be an accessible, secured, exterior drop box that is available for a minimum of 12 hours per day including regular business hours.

(2) (A) The county elections official permits a voter residing in the county to do any of the following at a vote center:

- (i) Return, or vote and return, their vote-by-mail ballot.
- (ii) Register to vote, update their registration, and vote pursuant to Section 2170.
- (iii) Receive and vote a provisional ballot pursuant to Section 3016 or Division 14, Chapter 3, Article 5 (commencing with Section 14310).
- (iv) 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.
- (v) Vote a regular, provisional, or replacement ballot using accessible voting equipment that provides for a private and independent voting experience.

(B) Each vote center shall have at least three voting machines that are accessible to voters with disabilities.

(3) (A) On the day of the election, from 7 a.m. to 8 p.m., inclusive, and on each of the three days before the election, for a minimum of eight hours per day, at least one vote center is provided for every 10,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election. At least 90% of the number of vote centers required by this subparagraph shall be open for all four days during the required times. Up to 10% of the number of vote centers required by this subparagraph may be open for less than four days if at least one vote center is provided for every 10,000 registered voters on each day.

(B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 20,000 registered voters, a minimum of two voter centers are provided on the day of the election and on each of the three days before the election within the jurisdiction where the election is held.

(4) (A) Beginning 10 days before the day of the election and continuing daily up to and including the fourth day before the election, for a minimum of eight hours per day, at least one vote center is provided for every 50,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election.

(B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 50,000 registered voters, a minimum of two vote centers are provided within the jurisdiction where the election is held.

(C) The vote centers provided under Section 4005 are established in accordance with the accessibility requirements described in Division 12, Chapter 3, Article 5 (commencing with Section 12280), the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(D) The vote centers provided under Section 4005 are equitably distributed across the county so as

to afford maximally convenient options for voters and are established at accessible locations as near as possible to established public transportation routes. The vote centers shall be equipped with voting units or systems that are accessible to individuals with disabilities and that provide the same opportunity for access and participation as is provided to voters who are not disabled, including the ability to vote privately and independently in accordance with Sections 12280 and 19240.

(E) (i) The vote centers provided under Section 4005 have an electronic mechanism for the county elections official to immediately access, at a minimum, all of the following voter registration data:

(I) Name.

(II) Address.

(III) Date of birth.

(IV) Language preference.

(V) Party preference.

(VI) Precinct.

(VII) Whether or not the voter has been issued a vote-by-mail ballot and whether or not a ballot has been received by the county elections official.

(ii) The electronic mechanism used to access voter registration data shall not be connected in any way to a voting system.

(5) A method is available for voters with disabilities to request and receive a blank vote-by-mail ballot and, if a replacement ballot is necessary, a blank replacement ballot that voters with disabilities can read and mark privately and independently pursuant to the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).

(6) (A) Except as otherwise provided for in Section 4005, election boards for the vote centers established under Section 4005 meet the requirements for eligibility and composition pursuant to Division 12, Chapter 4, Article 1 (commencing with Section 12300).

(B) Each vote center provides language assistance in all languages required in the jurisdiction under Section 12303(c) or Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) in a manner that enables voters of the applicable language minority groups to participate effectively in the electoral process. Each shall post information regarding the availability of language assistance in English and all other languages for which language assistance is required to be provided in the jurisdiction under Section 12303(c) or Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(i) If a vote center is located in, or adjacent to, a precinct, census tract, or other defined geographical subsection required to establish language requirements under Section 12303(c) or Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), or if it is identified as needing language assistance through the public input process described in clause (ii), the county elections official shall ensure that the vote center is staffed by election board members who speak the required language. If the county elections official is unable to recruit election board members who speak the required language, alternative methods of effective language assistance shall be provided by the county elections official.

- (ii) The county elections official shall solicit public input regarding which vote centers should be staffed by election board members who are fluent in a language in addition to English pursuant to Section 12303(c) and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).
- (iii) The county elections official shall provide notice in the sample ballot, in vote-by-mail materials, and on the official's internet website of the specific language services available at each vote center.

(C) Each vote center provides election materials translated in all languages required in the jurisdiction under Section 14201(a) and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(D) Each vote center provides reasonable modifications and auxiliary aids and services as required by the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 701 et seq.).

- (7) (A) Beginning 10 days before the election, the county elections official maintains, in an electronic format, an index of voters who have done any of the following at one of the voter centers established pursuant to Section 4005:

- (i) Registered to vote or updated their voter registration.
- (ii) Received and voted a provisional ballot or replacement ballot.
- (iii) Voted a ballot using equipment at the vote center.

(B) The index required by subparagraph (A) includes the same information for each voter as is required to be included on copies of the roster that are posted pursuant to Section 14294. The index required by subparagraph (A) shall be updated continuously during any time that a vote center is open in the jurisdiction.

- (8) (A) Beginning 29 days before the day of the election, the county elections official mails to each registered voter a vote-by-mail ballot packet that includes a return envelope with instructions for the use and return of the vote-by-mail ballot.

(B) The county elections official delivers to each voter, with either the sample ballot sent pursuant to Section 13303 or with the vote-by-mail ballot packet, all of the following:

- (i) A notice, translated in all languages required under Section 14201(a) and Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.), that informs voters of all of the following:
 - (I) An all-mailed ballot election is being conducted and each eligible voter will be issued a vote-by-mail ballot by mail.
 - (II) The voter may cast a vote-by-mail ballot in person at a vote center during the times and days specified in subparagraph (A) of paragraph (4) or on election day.
 - (III) No later than seven days before the day of the election, the voter may request the county elections official to send a vote-by-mail ballot in a language other than English pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or a facsimile copy of the ballot printed in a language other than English pursuant to Section 14201.
 - (IV) No later than seven days before the day of the election, the voter may request the county elections official to send or deliver a ballot that voters with disabilities can read and mark privately and independently pursuant to the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).

- (ii) A list of the ballot dropoff locations and vote centers established pursuant to Section 4005, including the dates and hours they are open. The list shall also be posted on the internet website of the county elections official in a format that is accessible for people with disabilities pursuant to Section 11135 of the Government Code.
- (iii) A postage-paid postcard that the voter may return to the county elections official for the purpose of requesting a vote-by-mail ballot in a language other than English or for the purpose of requesting a vote-by-mail ballot in an accessible format.

(C) Upon request, the county elections official provides written voting materials to voters with disabilities in an accessible format, as required by the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 701 et seq.).

Notwithstanding Section 4000 or any other law, any county may conduct a special election as an all-mailed ballot election under Section 4005 if all of the following apply (§ 4005(b).):

- (1) The county elections official has done either of the following:
 - (A) Previously conducted an election as an all-mailed ballot election in accordance with Section 4005(a).
 - (B) Adopted a final plan for the administration of elections pursuant to Section 4005(a)(9)(E)(i), in which case the county elections official shall complete all activities provided for in the voter education and outreach plan that is required by Section 4005(a)(9)(I)(i) before the day of the special election.
- (2) (A) On the day of election, from 7 a.m. to 8 p.m., inclusive, at least one vote center is provided for every 30,000 registered voters. If the jurisdiction is not wholly contained within the county, the county elections official shall make a reasonable effort to establish a vote center within the jurisdiction where the special election is held.
 - (B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 30,000 registered voters, the county elections official makes a reasonable effort to establish a vote center.
- (3) (A) At least 10 days before the day of the election, for a minimum of eight hours per day, at least one vote center is provided for every 60,000 registered voters. If the jurisdiction is not wholly contained within the county, the county elections official shall make a reasonable effort to establish a vote center within the jurisdiction where the special election is held.
 - (B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 30,000 registered voters, the county elections official makes a reasonable effort to establish a vote center.
- (4) (A) At least one ballot dropoff location is provided for every 15,000 registered voters. At least one ballot dropoff location shall be located within the jurisdiction where the special election is held. All ballot dropoff locations shall be open at least during regular business hours beginning at least 28 days before the day of the election, and on the day of the election.
 - (B) Notwithstanding subparagraph (A), for a jurisdiction with fewer than 15,000 registered voters, at least one ballot dropoff location shall be provided.

Except as otherwise provided in Section 4005, the election day procedures shall be conducted in accordance with Division 14 (commencing with Section 14000). (§ 4005(c).)

The county elections official may provide, at the official's discretion, additional ballot dropoff locations and vote centers for purposes of Section 4005. (§ 4005(d).)

The return of voted vote-by-mail ballots is subject to Sections 3017 and 3020. (§ 4005(e).)

For the sole purpose of reporting the results of an election conducted pursuant to Section 4005, upon completion of the ballot count, the county elections official shall divide the jurisdiction into precincts pursuant to Division 12, Chapter 3, Article 2 (commencing with Section 12220) and shall prepare a statement of the results of the election in accordance with Sections 15373 and 15374. (§ 4005(f).)

For any election conducted pursuant to Section 4005, the county elections official shall make a reasonable effort to inform a voter of either of the following (§ 4006):

- (a) If the voter's vote-by-mail ballot envelope is missing a signature.
- (b) How the voter can correct the missing signature.

Elections Conducted Using Vote Centers -Los Angeles County

The County of Los Angeles may conduct any election as a vote center election if all of the following apply (§ 4007(a)):

- (1) The county elections official complies with all the provisions of Section 4005(a) that are not inconsistent with Section 4007.
- (2) Every permanent vote by mail voter receives a ballot.
- (3) At least two ballot dropoff locations are provided within the jurisdiction where the election is held or the number of ballot dropoff locations are fixed in a manner so that there is at least one ballot dropoff location provided for every 15,000 permanent vote by mail registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election, whichever results in more ballot dropoff locations.
- (4) Within the jurisdiction where the election is held, at least one vote center is provided for each city that has at least 1,000 registered voters according to the official report of registration submitted by the county elections official to the Secretary of State before the last general election.
- (5) On the day of the election, from 7 a.m. to 8 p.m., inclusive, and on each of the three days before the election, for a minimum of eight hours per day, at least one vote center is provided for every 7,500 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the day of the election. At least 90 percent of the number of vote centers required by this subparagraph shall be open for all four days during the required times. Up to 10 percent of the number of vote centers required by this subparagraph may be open for less than four days if at least one vote center is provided for every 7,500 registered voters on each day.
- (6) Beginning 10 days before the day of the election and continuing up to and including the fourth day before the day of the election, for a minimum of eight hours per day, at least one vote center is provided for every 30,000 registered voters within the jurisdiction where the election is held, as determined on the 88th day before the election.
- (7) Precincts with fewer than 500 registered voters are designated as all vote-by-mail ballot precincts.
- (8) Voters residing in a legislative or congressional district that lies partially within the County of Los Angeles and that also lies within another county that is conducting an election pursuant to Section 4005(a) receive a vote by mail ballot if they are eligible to vote in that election.
- (9) Voters in a precinct that is either more than a 30 minute travel time from a vote center or in which the polling place in the most recent statewide general election is more than 15 miles from the nearest vote center are mailed a vote by mail ballot.

- (10) The vote centers are located within a reasonable travel time of registered voters.
- (11) The county elections official conducts a service area analysis of the vote center plans, identifies services gaps, and publicly reports those findings.

Notwithstanding Section 4000 or any other law, the County of Los Angeles may conduct a special election as an all-mailed ballot election pursuant to Section 4005(b). (§ 4007(b).) No later than four years after conducting the first vote center election pursuant to Section 4007, the County of Los Angeles may conduct all-mailed ballot elections pursuant to Section 4005 and shall not conduct vote center elections pursuant to Section 4007. (§ 4007(c).)

Elections Conducted Using Vote Centers - All Counties

An election conducted pursuant to Section 4005 or 4007 is subject to the following requirements (§ 4005.6):

- (a) The provisions of Sections 14200 and 14201 that apply to polling places also apply to vote centers.
- (b) Prior to every election, the county elections official shall determine if a voter has previously identified a preferred language other than English to the elections official or to the Secretary of State. If the voter's precinct is required to have a facsimile copy of the ballot in the voter's preferred language pursuant to Section 14201, the county elections official shall send to the voter by regular mail or electronic mail a facsimile copy of the ballot in that language. The voter shall receive the facsimile copy of the ballot before vote centers open pursuant to Section 4005(a)(4)(A). The facsimile copy of the ballot shall be sufficiently distinct in appearance from a regular ballot to prevent voters from attempting to vote on the facsimile copy.