

I. Introduction

This Digest outlines the duties of precinct officers during the casting and canvassing of the vote and is compiled from the California Elections Code. All citations to sections, unless otherwise noted, are to sections of the Elections Code. The abbreviation "Cal. Const." refers to the California Constitution. The statutes set forth in this Digest may not be set forth in full, as only the sections pertinent to the duties of precinct officers during the casting and the canvassing of the vote are included. (See § 14101.) For the full language of the statutes, refer to the Elections Code. A complete copy of the Elections Code, and any other California statutes cited, can be found at <http://leginfo.legislature.ca.gov/faces/codes.xhtml>.

Selected words and phrases used in this Digest are defined in the Elections Code as follows:

§ 8. As used in the Elections Code, the present tense includes the past and future tenses, and the future the present; the masculine gender includes the feminine; and the singular includes the plural, and the plural, the singular.

§ 303.4. "Ballot on demand system" means a self-contained system that allows users to do both of the following on an as-needed basis:

- (a) Manufacture and finish card stock.
- (b) Finish unfinished ballot cards into ballot cards.

§ 307. "Clerk" means the county elections official, registrar of voters, city clerk, or other officer or board charged with the duty of conducting any election.

§ 313. "County office" means the office filled by any county officer.

§ 314. "County officer" means any elected officer enumerated in Division 2 (commencing with Section 24000) of Title 3 of the Government Code.

§ 316. "Direct primary" is the primary election held on the first Tuesday after the first Monday in June in each even-numbered year that is not evenly divisible by four and on the first Tuesday after the first Monday in March in each even-numbered year that is evenly divisible by four.

§ 318. "Election" means any election including a primary that is provided for under the Elections Code.

§ 319. "Election board" means the board of supervisors of each county, the city council or other governing body of a city, or any board or officer to whom similar powers and duties are given by any charter.

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

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

- (b) The activities described in subdivision (a) are prohibited within 100 feet of either of the following:
- (1) The entrance to a building that contains a polling place as defined by Section 338.5, an elections official's office, or a satellite location specified in Section 3018.
 - (2) An outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot.

§ 320. "Elections official" means any of the following:

- (a) A clerk or any person who is charged with the duty of conducting an election.
- (b) A county clerk, city clerk, registrar of voters, or elections supervisor having jurisdiction over elections within any county, city, or district within the state.

§ 321. (a) "Elector" means any person who is a United States citizen 18 years of age or older and, except as specified in subdivision (b), is a resident of an election precinct in this state on or before the day of an election.

(b) "Elector" also means a person described in paragraph (2) of subdivision (b) of Section 300, who, except for the residence requirement specified in subdivision (a), is eligible to vote in this state and meets either of the following conditions:

- (1) The person was a resident of this state when the person was last living within the territorial limits of the United States or the District of Columbia.
- (2) The person was born outside of the United States or the District of Columbia, their parent or legal guardian was a resident of this state when the parent or legal guardian was last living within the territorial limits of the United States or the District of Columbia, and the person has not previously registered to vote in any other state.

(c) Each person qualifying as an elector under subdivision (b) shall be deemed to be a resident of this state for purposes of the Elections Code and Section 2 of Article II of the California Constitution.

§ 324. (a) "General election" means either of the following:

- (1) The election held throughout the state on the first Tuesday after the first Monday of November in each even-numbered year.
- (2) Any statewide election held on a regular election date as specified in Section 1000.

(b) At each general election there shall be elected to the Congress of the United States:

- (1) One Representative for each congressional district.
- (2) One Senator, when the general election immediately precedes the commencement of a full term.

§ 325. "Inspector" means the supervisor of the precinct board of which they are a member.

§ 326. "Judicial office" means the office filled by any judicial officer.

§ 327. "Judicial officer" means any Justice of the Supreme Court, justice of a court of appeal, or judge of the superior court.

§ 328. "Local election" is a municipal, county, or district election.

§ 329. "Measure" means any constitutional amendment or other proposition submitted to a popular vote at any election.

§ 300. (b) "Military or overseas voter" means an elector absent from the county in which the person is otherwise eligible to vote who is any of the following:

- (1) 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; or a member on activated status of the National Guard or state militia.
- (2) A citizen of the United States living outside of the territorial limits of the United States or the District of Columbia.
- (3) A spouse or dependent of a person described in paragraph(1).

§ 331. "New citizen" means any person who meets all requirements of an elector of, and has established residency in, the state, except that they will become a United States citizen after the 15th day prior to an election.

§ 334. "Nonpartisan office" means an office, except for a voter-nominated office, for which no party may nominate a candidate. Judicial, school, county, and municipal offices, including the Superintendent of Public Instruction, are nonpartisan offices.

§ 337. "Partisan office" or "party nominated office" means any of the following offices:

- (a) President of the United States, Vice President of the United States, and the delegates therefor.
- (b) Elected member of a party committee.

§ 338. "Party" means a political party or organization that has qualified for participation in any primary or presidential general election.

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

§ 338.6. "Precinct" means a geographical area within a county that is made up of voters and is formed pursuant to Chapter 3 (commencing with Section 12200) of Division 12. All voters from the same precinct are assigned to a specific polling place for an election. In an election conducted using vote centers, eligible voters from any precinct within the county can use any vote center located within the county.

§ 339. (a) "Precinct board" is the board appointed by the elections official to serve at a single precinct or a consolidated precinct. In an election conducted using vote centers, "precinct board" means the board appointed by the elections official to serve at a vote center.

(b) "Precinct board," when used in relation to proceedings taking place after the polls have closed, likewise includes any substitutive canvassing and counting board that may have been appointed to take the place of the board theretofore serving.

(c) "Precinct board member" is a member of the precinct board and includes an election officer.

§ 340. "Presidential primary" is the primary election that is held on the first Tuesday after the first Monday in March of any year that is evenly divisible by four.

§ 341. "Primary election" includes all primary nominating elections provided for by the Elections Code.

§ 344. "Punchcard" means a tabulating card on which the voter may record their vote by punching, marking, or slotting.

§ 345. "Punching" includes marking a ballot card to record a vote.

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

§ 348. "Regular election" is an election, the specific time for the holding of which is prescribed by law.

§ 303.3. "Remote accessible vote by mail system" means a mechanical, electromechanical, or electronic system and its software that is used for the sole purpose of marking an electronic vote by mail ballot for a voter who shall print the paper cast vote record to be submitted to the elections official. A remote accessible vote by mail system shall not be connected to a voting system at any time.

§ 349.5. "Roster" means the official list of voters for an election, which may be in paper or electronic form. The roster becomes the official list of voters who have voted in the election once signed by the voter or marked by the elections official.

§ 351. "School office" means the office filled by any school officer.

§ 352. "School officer" means the Superintendent of Public Instruction and the superintendent of schools of a county.

§ 353. "Section" means a section of the Elections Code unless some other statute is specifically mentioned.

§ 354. "Shall" is mandatory and "may" is permissive.

§ 354.5. (a) "Signature" includes either of the following:

- (1) A person's mark if the name of the person affixing the mark is written near the mark by a witness over 18 years of age designated by the person and the designee subscribes their own name as a witness thereto. For purposes of this paragraph, a signature stamp may be used as a mark, provided that the authorized user complies with the provisions of this paragraph.
 - (2) An impression made by the use of a signature stamp pursuant to the requirements specified in subdivision (c).
- (b) A mark attested as provided in paragraph (1) of subdivision (a), or an impression made by a signature stamp as provided in paragraph (2) of subdivision (a), may serve as a signature for any purpose specified in the Elections Code, including a sworn statement.
- (c) An authorized user of a signature stamp may use it to affix a signature to a document or writing any time that a signature is required by the Elections Code, provided that all of the following conditions, as applicable, are met:
- (1) A signature stamp used to obtain a ballot or vote by mail ballot in any local, state, or federal election shall be used only by the authorized user of that signature stamp.
 - (2) A signature stamp shall be affixed by the authorized user in the presence of the Secretary of State, their designee, the local elections official, or their designee, to obtain a ballot, in any local, state, or federal election unless the authorized user of the signature stamp votes by vote by mail ballot. If the owner of a signature stamp votes by vote by mail ballot, they shall affix the signature stamp on the identification envelope in accordance with Section 3019.

- (d) A signature affixed with a signature stamp by an authorized user in accordance with Section 354.5 shall be treated in the same manner as a signature made in writing.
- (e) A registered voter or any person who is eligible to vote, who qualifies as an authorized user pursuant to paragraph (1) of subdivision (f), may use a signature stamp only after they first submit their affidavit of registration or a new affidavit of registration by one of the following means:
 - (1) Using the signature stamp to sign the affidavit in the presence of a county elections official.
 - (2) Submitting an affidavit pursuant to Section 2196 that utilizes a signature stamp that has been approved by the Department of Motor Vehicles and transmitted to the Secretary of State.
- (f) The following definitions apply for purposes of Section 354.5:
 - (1) "Authorized user" means either of the following:
 - (A) A person with a disability who, by reason of that disability, is unable to write and who owns a signature stamp.
 - (B) A person using the signature stamp on behalf of the owner of the stamp with the owner's express consent and in the presence of the owner.
 - (2) "Disability" means a medical condition, mental disability, or physical disability, as those terms are defined in subdivisions (i), (j), and (l) of Section 12926 of the Government Code.
 - (3) "Signature stamp" means a stamp that contains the impression of any of the following:
 - (A) The actual signature of a person with a disability.
 - (B) A mark or symbol that is adopted by the person with the disability.
 - (C) A signature of the name of a person with a disability that is made by another person and is adopted by the person with the disability.

§ 356. "Special election" is an election, the specific time for the holding of which is not prescribed by law.

§ 357. "Statewide election" is an election held throughout the state.

§ 3025. (a)(1) "Vote by mail ballot drop box" means a secure receptacle established by a county or city and county elections official whereby a voted vote by mail ballot may be returned to the elections official from whom it was obtained.

§ 3025. (a)(2) "Vote by mail ballot drop-off location" means a location consisting of a secured vote by mail ballot drop box at which a voted vote by mail ballot may be returned to the elections official from whom it was obtained.

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

§ 357.5. "Vote center" means a location established for holding elections that offers the services described in Sections 2170 and 4005.

§ 358. "Vote tabulating device" means any piece of equipment, other than a voting machine, that compiles a total of votes cast by means of ballot card sorting, ballot card reading, paper ballot scanning, electronic data processing, or a combination of that type of equipment.

§ 359. "Voter" means any elector who is registered under the Elections Code.

§ 359.2. "Voter list" means the list of registered voters in a single or consolidated precinct or in an entire

county. The voter list may be in the form of a walking list, street index list, or other format, as provided by the elections official. The voter list is updated by the elections official with public information related to who has voted in an election.

§ 360. "Voting device" means any device used in conjunction with a ballot card or cards to indicate the choice of the voter by marking, punching, or slotting the ballot card.

§ 361. "Voting machine" means any electronic device, including, but not limited to, a precinct optical scanner and a direct recording voting system, into which a voter may enter their votes, and which, by means of electronic tabulation and generation of printouts or other tangible, human-readable records, furnishes a total of the number of votes cast for each candidate and for or against each measure.

§ 362. "Voting system" means a mechanical, electromechanical, or electronic system and its software, or any combination of these used for casting a ballot, tabulating votes, or both. "Voting system" does not include a remote accessible vote by mail system.