

## VI. Voting Systems

### Summary

All precinct board members must attend a training class on the use of voting machines and other precinct responsibilities unless appointed to fill an emergency vacancy. (§ 19340.)

All voting equipment shall be transferred to the polling places in charge of an authorized official, who shall certify to their delivery in good order. (§ 14112.) Paper ballots and the containers of the ballots that provide adequate protection for the ballots during storage and upon removing the ballots will also be provided. (§§ 14113, 14300(a).)

Before or as soon as the polls are closed, unless otherwise directed by the county elections official, 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), (c).) After completing the foregoing step, 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 members of the precinct board. (§ 14420(b).) (See pages 42 through 44 for more information on procedures after the close of the polls.)

Unless directed otherwise by the county elections official 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.) (See pages 42 through 44 for more information.)

If votes are cast by means of a voting machine, the statement of the result of votes cast, which shall be certified by the precinct board, shall contain certain information, including certificates which shall be signed by the election officers before the polls are opened and which shall be filled out after the polls have been closed. (§ 19380.)

If votes are counted by means of a voting machine at a polling place or vote center, as soon as the polls are closed on election day, the precinct board, in the presence of the watchers and all others lawfully present, shall immediately lock the voting machine against voting and do all of the following (§§ 15250, 15250.5(a)):

- (1) Count the votes cast on voting machines and report the results pursuant to Section 15250.5(b) and (c).
- (2) Complete, sign, and return to the elections official all furnished forms requiring its signatures.

When votes are counted on one or more voting machines at the precinct, all members of the precinct board, upon the completion of their duties, shall sign a certificate of performance. (§§ 15250, 15250.5.) (See Section V. of this Digest: "Canvassing the Vote" for more information.)

Each qualified political party may employ, and have present at the central counting place or places, not more than two representatives to check and review the preparation and operation of the tabulating devices, their

programming and testing, and have the representatives in attendance at any or all phases of the election. (§ 15004(a).)

Any bona fide association of citizens or a media organization may employ, and may have present at the central counting place or places, not more than two representatives to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the representatives in attendance at any or all phases of the election. (§ 15004(b).)

The county elections official may limit the total number of representatives of bona fide associations of citizens or media organizations in attendance to no more than 10 by a manner in which each interested bona fide association of citizens or media organization has an equal opportunity to participate. Any representative of a qualified political party employed and in attendance shall not be subject to this limit. (§ 15004(c).)

## **1. General Provisions.**

### Precinct Board Instruction

Any member of a precinct board who has not previously attended a training class in the use of the voting machines and the duties of a board member shall be required to do so, unless appointed to fill an emergency vacancy. (§ 19340.)

### Delivery of Voting Equipment

All voting equipment shall be transferred to the polling places in charge of an authorized official, who shall certify to their delivery in good order. (§ 14112.)

### Providing of Ballot Containers and Ballots

The containers of the ballots furnished to the polling places shall provide adequate protection for the ballots during storage and upon removing the ballots. (§ 14113.)

In the case of an election for a state or federal office not conducted using vote centers, each polling place using a direct recording electronic voting system, as defined by Section 19271, the elections official shall provide paper ballots equivalent to the following percentages (§ 14300(a)):

- (1) For a statewide general election, no less than 10% of the registered voters in the polling place.
- (2) For a statewide direct primary election, for each partisan ballot form for which at least 10% of the registered voters in the polling place are eligible to request, no less than 5% of the registered voters in the precinct eligible to request that ballot form at the polling place. For nonpartisan voters, the total number of paper ballots among all ballot forms that they are eligible to request shall be no less than 5% of registered nonpartisan voters at the polling place.
- (3) For any other state or federal election contest, no less than 5% of registered voters at the polling place.
- (4) For purposes of Section 14300, the number of registered voters shall be based on the registration on the 88th day prior to the day of the election.

In elections conducted using voter centers, the elections official shall provide a sufficient amount of ballot stock to be used for printing ballots in each vote center. (14300(f).)

Upon request, the precinct board shall provide a paper ballot to a voter, regardless of the availability of the direct recording electronic voting system, as long as supplies remain available. (§ 14300(c).)

The paper ballots described in Section 14300 may consist of provisional ballots. Any vote cast on a provisional ballot pursuant to Section 14300 by an otherwise qualified voter shall be counted as a regular ballot and shall not be subject to the requirements of Section 14310. (§ 14300(d), (e).)

#### Electrical Failure or Other Emergency

In the case of electrical failure or other emergency, the official conducting the election may direct that ballots may be marked by pencil or ink. In that event, the elections official may duplicate the voted ballot cards as provided in Section 15210 and count the duplicate ballots by automatic tabulating device, or may count the voted ballots pursuant to Division 15, Chapter 3, Article 5 (commencing with Section 15270). (§ 19005.)

#### Marking of Ballots Used for Voting

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).)

## **2. Closing the Polls.**

#### Processing and Segregation of Voted Ballots After Close of Polls

See pages 42 through 44 for more information.

#### Tabulation of Write-In Votes

Any name written upon a ballot for a qualified write-in candidate, including a reasonable facsimile of the spelling of a name, shall be counted for the office, if it is written in the blank space provided and voted as specified below (§ 15342):

- (a) For voting systems in which write-in spaces appear directly below the list of candidates for that office and provide a voting space, no write-in vote shall be counted unless the voting space next to the write- in space is marked or slotted as directed in the voting instructions, except as provided in Section 15342(f).
- (b) For voting systems in which write-in spaces appear separately from the list of candidates for that office and do not provide a voting space, the name of the write-in candidate, if otherwise qualified, shall be counted if it is written in the manner described in the voting instructions.
- (c) The use of pressure-sensitive stickers, glued stamps, or any other device not provided for in the voting procedures for the voting systems approved by the Secretary of State to indicate the name of the write- in candidate are not valid, and a name indicated by these methods shall not be counted.
- (d) Neither a vote cast for a candidate whose name appears on the ballot nor a vote cast for a write-in candidate shall be counted if the voter has indicated, by a combination of marking and writing, a choice of more names than there are candidates to be nominated or elected to the office.
- (e) All valid write-in votes shall be tabulated and certified to the elections official on forms provided for this purpose, and the write-in votes shall be added to the results of the count of the ballots at the counting place and be included in the official returns for the precinct.

### 3. Counting Procedure.

#### Counting Procedures

When votes are cast by means of a voting machine, before adjourning, the precinct board shall do all of the following (§ 19371):

- (1) Comply with the requirements of Section 15250.5.
- (2) Seal each voting machine with the seal or seals provided.
- (3) Lock the voting machines.

#### Statement of Results of Votes Cast

If votes are cast by means of a voting machine, the statement of the result of votes cast, which shall be certified by the precinct board, shall contain (§ 19380):

- (a) The total number of votes cast.
- (b) The number of votes cast for each candidate and measure as shown on the statement of return of votes cast.
- (c) The number of votes for persons not nominated.
- (d) Printed directions to the precinct board for their guidance before the polls are opened and when the polls are closed.
- (e) A certificate which shall be signed by the election officers before the polls are opened, showing: (1) The delivery of the keys in a sealed envelope. (2) The number on the seal or seals. (3) The number registered on the protective counter. (4) Whether all of the counters are set at zero (000). (5) Whether the public counter is set at zero (000).
- (f) A certificate which shall be filled out after the polls have been closed, showing: (1) That the voting machine has been locked against voting and sealed. (2) The number of voters as shown on the public counter. (3) The number on the seal or seals. (4) The number registered on the protective counter. (5) That the voting machine is closed and locked.

The precinct board shall immediately transmit unsealed to the elections official a copy of the result of the votes cast at the polling place, the copy shall be signed by the members of the precinct board, and shall be open to public inspection. (§ 19381.)

#### Check and Review of Tabulating Devices

Each qualified political party may employ, and have present at the central counting place or places, not more than two representatives to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the representatives in attendance at any or all phases of the election. (§ 15004(a).)

Any bona fide association of citizens or a media organization may employ, and may have present at the central counting place or places, not more than two representatives to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the representatives in attendance at any or all phases of the election. (§ 15004(b).)

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