U.S. ELECTION ASSISTANCE COMMISSION

2016 Election Administration & Voting Survey

Statutory Overview

In order to better understand state laws governing Federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2016 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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DIRECTIONS AND EXAMPLE

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

Please answer each question to the best of your ability. If a term or concept is ambiguous, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference in your state but is widely used in practice, please explain. If election procedures vary at the local level within your state, please explain these variations to the best of your ability.

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 Statutory Overview. If there has not been a change in your state's laws or legal citation in the response to a question, please mark the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

If any of your state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court or by executive decision, please specify.

Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

SECTION A: GENERAL

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

a) Over-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

When a voter has selected, by marking the ballot or writing in or a combination thereof, more candidates than there are candidates to be nominated, or selected for the office, the vote for that office shall not be counted… (CCR, Title 2, Div 7, Article 7, Chap 1, Sec 20100);
An overvote occurs when a voter marks more than the maximum number of voting position targets allowed in the contest. (Uniform Vote Counting Standards, Section II, Definitions, and Section III, General Standards, Subsections E. at http://www.sos.ca.gov/elections/uniform-vote-counting-standards); Also, use procedures for specific voting systems contain definitions and procedures relating to overvotes.

2016 Response:

b) Under-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

An undervote occurs when a voter marks less than the maximum number of voting position targets allowed in a contest. (Uniform Vote Counting Standards, Section II, Definitions and Section III, General Standards, Subsections F. at http://www.sos.ca.gov/elections/uniform-vote-counting-standards); Also, use procedures for specific voting systems contain definitions and procedures relating to undervotes.

2016 Response:

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A blank ballot is one on which the voter has made no marks in any voting position target, or one which has been marked with an unreadable marker, or one which has been consistently marked outside of the 'read' area of the scanner. (Uniform Vote Counting Standards, Section II, Definitions, http://www.sos.ca.gov/elections/uniform-vote-counting-standards)

2016 Response:

d) Void/Spoiled ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Any voter who does not vote the ballot he or she 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. (California Elections Code (EC) 14296)
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 his or her original ballot, in this manner. (EC 14288)
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. (EC 14290)
In preparing the voted ballots for processing, any ballot that is torn, bent, or otherwise defective shall be corrected so that every vote cast by the voter shall be counted by the automatic tabulating equipment. If necessary, a true duplicate copy of the defective ballot shall be made and substituted therefor, following the intention of the voter insofar as it can be ascertained from the defective ballot. All duplicate ballots shall be clearly labeled "duplicate," and shall bear a serial number that shall be recorded on the damaged or defective

2016 Response:

e) Provisional/Challenged ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

f) Absentee

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

(a) "Vote by mail voter" means any voter casting a ballot in any way other than at the polling place.
(b) "Special absentee voter" means an elector who is any of the following:
(1) A member of the Armed Forces of the United States or any auxiliary branch thereof.
(2) A citizen of the United States temporarily living outside of the territorial limits of the United States or the District of Columbia.
(3) Serving on a merchant vessel documented under the laws of the United States.
(4) A spouse or dependent of a member of the Armed Forces or any auxiliary branch thereof." (EC 300)
See also Uniform Vote Counting Standards, Section VIII, Absentee Voting Systems Ballots at http://www.sos.ca.gov/elections/uniform-vote-countingstandards

2016 Response:

g) Early voting

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Except as provided in Chapter 3 (commencing with Section 3200) and Sections 3007.5, 3007.7, and 3007.8, application for a vote by mail voter's ballot shall be made in writing to the elections official having jurisdiction over the election between the 29th and the 7th day prior to the election. The application shall be signed by the applicant and shall show his or her place of residence. Any applications received by the elections official prior to the 29th day shall be kept and processed during the application period. (EC 3001)
The vote by mail ballot shall be available to any registered voter. (EC 3003)
(a) Any voter using a vote by mail ballot may, prior to the close of the polls on election day, vote the ballot at the office of the elections official. The voter shall vote the ballot in the presence of an officer of the elections official or in a voting booth, at the discretion of the elections official, but in no case may his or her vote be observed. Where voting machines are used the elections official may provide one voting machine for each ballot type used within the jurisdiction. Elections officials may provide electronic voting devices for this purpose provided that sufficient devices are provided to

2016 Response:

h) Active Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

As used in this Chapter, the following words have the following definitions:
(a) "Active voter" means any registered voter that is legally entitled to vote and has not been deemed an "inactive voter" pursuant to the voter registration provisions of Elections Code section 2221. (CCR, Title 2, Div 7, Article 7, Chap 2, Sec 20108.1)

2016 Response:

i) Inactive Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

j) Other terms (please specify) _____

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. "Significant" does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

SECTION B: VOTER REGISTRATION

B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

As defined above, California, at present, uses a bottom-up model. Intake of voter registration affidavits begins at the county, but the verification process is conducted through the statewide database apparatus and the official list resides at the statewide level. However, data resides independently at the local level as well.

2016 Response:

If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?

☐ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

2016 Response:

B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Under Section 2226 of the California Elections Code (EC), a voter can be moved from the active to the inactive list in any of the following situations:
A non-forwardable "address correction requested" residency confirmation mailing (pursuant to EC Section 2220, EC 2224 of NVRA Section 8(d)(2) is returned with an out-of-county forwarding address, or is returned undeliverable with no forwarding address;
National Change of Address (NCOA) matching of the voter record indicates the voter has either moved out of the county, or moved without providing a forwarding address (EC 2222); or
A sample ballot is mailed with a non-forwardable, "address correction requested" and returned undeliverable with an out-of-county forwarding address, or undeliverable with no forwarding address (EC 2223).
California statutes do not have separate procedures for inactivating UOCAVA voters.

2016 Response:

B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

When a county receives third-party notice that a voter has moved out of the county through any of the processes above (residency confirmation mailing, NCOA matching or sample ballot return), the county is required to send a change-of-address notice to the voter that includes a postage-paid, return-addressed response form. If the voter responds and confirms that he or she has moved out of the county, the voter's registration is cancelled. If the voter fails to respond to the change-of-address notice, the voter's registration may be cancelled. Under an agreement with the US Department of Justice, voters who are placed on the inactive list after failing to respond to a "positive residency confirmation notice" that is targeted specifically to voters who have not voted or changed their registration information with the previous four years (per EC 2224), the voter registration may not be cancelled for failure to vote in subsequent elections. These voters must remain on the inactive list until they are re-registered or subsequently cancelled due to confirmation from the voter that the voter has moved out of the county. Voters are also removed from the voter rolls (cancelled) under any of the following

2016 Response:

B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or Federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

California has an electronic link to the California Department of Motor Vehicles (DMV) to verify a voter's ID (CA driver's license or state ID number). This link also provides verification of the last four digits of a SSN provided by the voter, through the DMV's additional link to the Social Security database via the American Association of Motor Vehicle Administrators (AAMVA) program with SSA. Pursuant to the NVRA, California also receives electronic change-of-address updates from DMV for voters who have updated their address at DMV and requested their voter registration records also be updated. (New registered voters and voters who move between counties are currently directed to complete a paper voter registration form which is sent by DMV to the county elections official for processing.)
As noted in B3 above, California regularly receives death data from the CA Department of Public Health and felon data from the CA Department of Rehabilitation and Corrections. When received, this data is matched against existing State

2016 Response:

B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The State regularly checks voter registration data against NCOA data to identify voters who may have moved. Potential matches are sent to counties for further research and processing. County elections officials report mixed results with this data. Amongst the problems they
have cited are:
Voters may update their mailing address for US mail purposes, but have not changed their residence address or the address to which they want election material mailed; and Change of address updates are mistakenly applied to a family when it is only an individual who has moved.

2016 Response:

B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Voter registration of persons in prison or on parole for conviction of a felony are cancelled. A person no longer in prison or on parole for conviction of a felony may register to vote by completing a voter registration affidavit. (EC 2201(c) and 2212)

2016 Response:

B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The California Secretary of State's website allows voters to complete a registration application online (www.registertovote.ca.gov).

2016 Response:

SECTION C: ELECTION ADMINISTRATION

C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).

a. Are the votes counted centrally or at the precincts?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

There are 28 California counties using precinct-based tabulation and 30 counties using central tabulation

2016 Response:

b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Yes.

2016 Response:

c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Yes. EC 15321 requires that vote-by-mail ballots be tabulated by precinct.

2016 Response:

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

UOCAVA ballots are not reported separately to the Secretary of State. However, most county elections officials track UOCAVA ballots returned separately.

2016 Response:

C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

California allows no-excuse vote-by-mail (absentee) voting. (EC 3003)

2016 Response:

C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

California allows for in-person early voting beginning on the 29th day before the election. (EC 3018) Depending upon the voting system used, ballots may be tabulated at the early voting location or centrally tabulated, but no report of results may be accessed or released until the close of the polls at 8 p.m. on Election Day. (EC 15101) Early voting ballots are reported with vote-by-mail ballots.

2016 Response:

C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The provisional ballot of a voter who is otherwise entitled to vote is not rejected because the voter did not cast his or her ballot in the precinct to which they were assigned. (EC 14310(c)(3))
"(3) The provisional ballot of a voter who is otherwise entitled to vote shall not be rejected because the voter did not cast his or her ballot in the precinct to which he or she was assigned by the elections official.
(A) If the ballot cast by the voter contains the same candidates and measures on which the voter would have been entitled to vote in his or her assigned precinct, the elections official shall count the votes for the entire ballot.
(B) 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 her assigned precinct, the elections official shall count only the votes for the candidates and measures on which the voter was entitled to vote in his or her assigned precinct." (EC 14310(c)(3)(A) and (B)).
"During the official canvass, the elections official examines the records with respect to all provisional votes cast. Using procedures for comparing signatures on vote-by-mail ballots, the elections official shall compare the signature on the provisional ballot envelope with the signature on the voter's registration affidavit. If the signatures do not compare or the provisional ballot envelope is not signed, the ballot shall be rejected. If the signatures compare, the ballot is counted. A variation of the signature caused by substitution of initials for the first or middle name, or both, does not invalidate the ballot." (EC 14310(c)(1))
"(a) 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 his or her 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 this section to the elections official in the county where the voter is registered to vote.
(b) To be counted, a ballot cast pursuant to this section shall satisfy both of the following requirements:
(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.
(c) Upon receipt of the returned ballot, the elections official

2016 Response:

C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.

If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

C8. Please describe any state requirements for poll worker training.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The Secretary of State's office was required, on a one-time basis, to convene a 12-member task force comprised of county elections officials and others with election expertise to develop guidelines for poll worker training for specified topics. (EC 12309.5) The guidelines were not intended to replace poll worker training conducted by local elections officials. The guidelines published in 2006 were updated in 2010; the 2010 standards can be accessed on-line at www.sos.ca.gov/elections/pdfs/poll-worker-training-standards-final-031210.pdf
All aspects of poll worker recruitment and training are the responsibility of local election officials including:
Appointing precinct boards (EC 12286);
Determining the composition of the precinct boards (EC 12304);
Instructing members of the precinct board (inspectors) (EC 12309); and
Excusing precinct board members from duty, as the elections official deems
appropriate (EC 12316)

2016 Response:

The guidelines published in 2006 were updated in 2016; the 2016 standards can be accessed on-line at http://www.sos.ca.gov/elections/voting-resources/voting-california/help-strengthen-our-democracy/poll-worker-info/poll-worker-training-standards/

SECTION D: ELECTION DAY ACTIVITIES

D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Not applicable. This information is not captured in this manner on a statewide basis.

2016 Response:

D2. What identification does your state require from voters in the following situations:

a. registering to vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

None

2016 Response:

b. casting an in-person ballot;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

None, but the person must announce their name and address, which must be located on the voter registration index (polling place roster), and announced aloud by the poll worker; the voter also writes his or her name and address on the index (EC 14216)

2016 Response:

c. casting a mail-in or absentee vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

None, but the signature on the vote-by-mail application or the envelope containing the vote-by-mail ballot must be compared to the signature on voter registration affidavits (EC 3019)

2016 Response:

d. casting a ballot under UOCAVA;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

None, but the signature on the vote-by-mail envelope, or the faxed ballot, must be compared to the signature on the request for ballot/voter registration affidavit (EC 3102 (a) and EC 3103.5 (a)(3))

2016 Response:

e. any other stage in registration or voting process in which identification is required (please specify).

☐ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Pursuant to the Help America Vote Act of 2002 (HAVA), first-time voters who register by mail and have not had identifying information (a driver's license number or partial Social Security number) independently verified through the statewide voter registration system and who are not otherwise exempt from this requirement by HAVA are required to show one of 30 forms of ID specified in state regulations.

2016 Response:

D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:	2016 Response:
See Appendix A	

SECTION E: OTHER

E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

California has not revised its administrative complaint procedure. The procedure is available on-line at http://www.sos.ca.gov/elections/additional-elections-information/help-america-vote-act/complaint-procedure

2016 Response:

http://www.sos.ca.gov/elections/additional-elections-information/help-america-vote-act/complaint-procedure

E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Not applicable.

2016 Response:

* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing Federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website (www.eac.gov). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 04/30/2017). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

NOTES – please place longer responses below

Appendix A – California 2014 Responses

A1e. Provisional/Challenged ballot

(a) 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 index of registration 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:

(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 subdivisions (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.

(b) 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 this subdivision 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.

(c) (1) 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, the elections official shall compare the signature on each provisional ballot envelope with the signature on the voter's affidavit of registration. 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.

(2) Provisional ballots shall not be included in any semiofficial or official canvass, except upon: (A) the elections official's establishing prior to the completion of the official canvass, from the records in his or her office, the claimant's right to vote; or (B) the order of a superior court in the county of the voter's residence. A voter may seek the court order specified in this paragraph regarding his or her 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. No fee shall be charged to the claimant by the clerk of the court for services rendered in an action under this section.

(3) The provisional ballot of a voter who is otherwise entitled to vote shall not be rejected because the voter did not cast his or her ballot in the precinct to which he or she was assigned by the elections official.

(A) If the ballot cast by the voter contains the same candidates and measures on which the voter would have been entitled to vote in his or her assigned precinct, the elections official shall count the votes for the entire ballot.

(B) 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 her assigned precinct, the elections official shall count only the votes for the candidates and measures on which the voter was entitled to vote in his or her assigned precinct.

(d) The Secretary of State shall establish a free access system that any voter who casts a provisional ballot may access to discover whether the voter's provisional ballot was counted and, if not, the reason why it was not counted.

(e) The Secretary of State may adopt appropriate regulations for purposes of ensuring the uniform application of this section.

(f) This section shall apply to any vote by mail voter described by Section 3015 who is unable to surrender his or her unvoted vote by mail voter's ballot.

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

Revised EC 14310:

(a) 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 index of registration 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:

(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 ballot, and a written affirmation regarding the voter's registration and eligibility to vote. The written instructions shall include the information set forth in subdivisions (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.

(b) 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 this subdivision shall be of 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.

(c) (1) 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, the elections official shall compare the signature on each provisional ballot envelope with the signature on the voter's affidavit of registration. 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.

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

(i) The elections official establishes prior to the completion of the official canvass, from the records in his or her office, the claimant's right to vote.

(ii) The provisional ballot has been cast and included in the canvass pursuant to Article 4.5 (commencing with Section 2170) of Chapter 2 of Division 2.

(iii) Upon the order of a superior court in the county of the voter's residence.

(B) A voter may seek the court order specified in this paragraph regarding his or her 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. No fee shall be charged to the claimant by the clerk of the court for services rendered in an action under this section.

(3) The provisional ballot of a voter who is otherwise entitled to vote shall not be rejected because the voter did not cast his or her ballot in the precinct to which he or she was assigned by the elections official.

(A) If the ballot cast by the voter contains the same candidates and measures on which the voter would have been entitled to vote in his or her assigned precinct, the elections official shall count the votes for the entire ballot.

(B) 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 her assigned precinct, the elections official shall count only the votes for the candidates and measures on which the voter was entitled to vote in his or her assigned precinct.

(d) The Secretary of State shall establish a free access system that any voter who casts a provisional ballot may access to discover whether the voter's provisional ballot was counted and, if not, the reason why it was not counted.

(e) The Secretary of State may adopt appropriate regulations for purposes of ensuring the uniform application of this section.

(f) This section shall apply to any vote by mail voter described by Section 3015 who is unable to surrender his or her unvoted vote by mail voter's ballot.

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

"(a) 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 his or her option, vote on the day of the election at the polling place at which he or she is entitled to vote based on his or her 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.

(b) Voters casting ballots under this section shall be required to vote by provisional ballot, as provided in Section 14310." (EC 14311)

"This article shall be liberally construed in favor of the provisional voter." (EC 14312)

See also Uniform Definition of a Vote, Section IX, Provisional Ballots at http://www.sos.ca.gov/elections/uniform-vote-counting-standards.htm.pdf.

Challenged ballots:

"(a) 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:

(1) That the voter is not the person whose name appears on the index.

(2) That the voter is not a resident of the precinct.

(3) That the voter is not a citizen of the United States.

(4) That the voter has voted that day.

(5) That the voter is presently on parole for the conviction of a felony.

(b) On the day of the election no person, other than a member of a precinct board or other official responsible for the conduct of the election, shall challenge or question any voter concerning the voter's qualifications to vote.

(c) 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." (EC 14240)

"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." (EC 14241)

"The ground for challenge set forth in paragraph (2) of subdivision (a) of Section 14240 shall not apply to any person duly registered as a voter in any precinct in California and moving from that precinct within 14 days prior to an election." (EC 14242)

"If the challenge is on the ground that the person seeking to vote is not the person whose name appears on the index, 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 index." (EC 14243)

"If the challenge is on the ground that the person seeking to vote is not a resident of the precinct, 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?" If the answer to the question is "Yes," without significant qualification, no other questions shall be asked." (EC 14244)

"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." (EC 14245)

"If the challenge is on the ground either that the person challenged is not the person whose name appears on the index, or that he or she 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 or 14245." (EC 14246)

"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, whom the board believes may have knowledge or information concerning the facts of the challenge." (EC 14247)

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

"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." (EC 14249)

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

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

"The precinct board shall compile a list showing all of the following:

(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." (EC 14252)

In the event that 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." (EC 14253)

"Prior to processing and opening the identification envelopes of vote by mail voters, the elections official shall make available a list of vote by mail voters for public inspection, from which challenges may be presented. Challenges may be made for the same reasons as those made against a voter voting at a polling place. In addition, a challenge may be entered on the grounds that the ballot was not received within the time provided by this code or that a person is imprisoned for a conviction of a felony. All challenges shall be made prior to the opening of the identification envelope of the challenged vote by mail voter." (EC 15105)

"Except as otherwise provided, the processing of vote by mail ballot return envelopes, the processing and counting of vote by mail ballots, and the disposition of challenges of vote by mail ballots shall be according to the laws now in force pertaining to the election for which they are cast. Because the voter is not present, the challenger shall have the burden of establishing extraordinary proof of the validity of the challenge at the time the challenge is made." (EC 15106)

"(a) Every person who knowingly challenges a person's right to vote without probable cause or on fraudulent or spurious grounds, or who engages in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing voters from voting or to delay the process of voting, or who fraudulently advises any person that he or she is not eligible to vote or is not registered to vote when in fact that person is eligible or is registered, or who violates Section 14240, is punishable by imprisonment in the county jail for not more than 12 months or in the state prison.

(b) Every person who conspires to violate subdivision (a) is guilty of a felony." (EC 18543)

A1i. Inactive Voter

(l) "Inactive voter" means a voter for whom a county has received: 1) a returned residency confirmation mailing pursuant to *California Elections Code section 2220* without a forwarding address within the same county, or 2) information obtained through the United States Postal Service National Change of Address (NCOA) database indicating that the voter has moved outside the county pursuant to *California Elections Code sections 2222* and *2226*. Per *California Elections Code sections 2221* and *2226*, such inactive registrants retain the legal right to vote, but need not be mailed election material. Further, inactive voters who do not vote in two consecutive Federal general elections are subject to cancellation of their voter registration pursuant to Section 303(a)(4)(A) of HAVA *(42 U.S.C. § 15483*(a)(4)(A)). (CCR, Title 2, Div 7, Article 7, Chap 2, Sec 20108.1)"

“(a) Based on the postal notices on the returned residency confirmation postcards received pursuant to Section 2220, the county elections official shall take the following actions:

(1) The affidavits of registration of persons whose residency confirmation postcards are returned by the post office as undeliverable and who have no forwarding address shall be placed in the inactive file pursuant to paragraph (2) of subdivision (a) of Section 2226. These persons shall be mailed the confirmation notices described in subdivision (d) of Section 2225.

(2) The affidavits of registration of persons for whom forwarding addresses within the county are received shall be corrected to reflect the new address provided by the post office.

(3) The affidavits of registration of persons for whom forwarding addresses outside of the county are received shall be placed in the inactive file pursuant to paragraph (2) of subdivision (a) of Section 2226. These persons shall be mailed the confirmation notices described in subdivision (c) of Section 2225.

(b) Blank affidavits of registration shall immediately be mailed to the addresses from which voter registrations were canceled or changed pursuant to this section.

(c) All address corrections and cancellations of affidavits of registration made pursuant to this section shall be reflected on the voter index as required by Section 2191.” (EC 2221)

“(a) Based on change-of-address information received pursuant to Sections 2220 to 2225, inclusive, or change-of-address information provided directly by the voter, the county elections official shall take the following actions as appropriate:

(1) If the information indicates the voter has moved to a new address within the same county, the county elections official shall update and correct the voter's registration.

(2) If the information indicates the voter has moved to a new address in another county, if the mailings have been returned as undeliverable, or if the voter fails to confirm his or her address as required by Section 2224, the county elections official may place the voter's name on the inactive file of registered voters who do not receive election materials and are not included in calculations to determine the number of signatures required for qualification of candidates and measures, precinct size, or other election administration related processes.

(3) If the voter verifies in writing that he or she has moved to a residence address in another county, the county elections official shall cancel the voter registration in the county from which the voter has moved.

(b) The voter registration of any voter whose name has been placed on the inactive file of registered voters for failure to respond to an address verification mailing required by Section 2225, and who does not offer to vote or vote at any election between the date of the mailing and two federal general elections after the date of that mailing, may be cancelled.

(c) Any voter whose name has been placed on the inactive file of registered voters and offers to vote at any election between the date of the verification notice, and two federal general elections after the date of notice, or who notifies the elections official of a continued residency, shall be removed from the inactive file and placed on the active voter file.

(d) All address corrections, cancellations, and inactive transactions made to the voter registration file pursuant to this section shall be reflected on the voter index as required by Section 2191.” (EC 2226)

A2. AB 80 (Fong) Moves the presidential primary election from February to June, consolidating it with the statewide direct primary. (Chapter 138, Statutes of 2011). AB 84 (Fong) Authorizes a new citizen to register and vote at locations designated by the county elections official, in addition to the county elections office, and extends the time period they can register until the close of polls on election day.

(Chapter 186, Statutes of 2011) AB 193 (Knight) Prohibits a single family home from being designated as a polling place if it is the residence of a registered sex offender, and requires elections officials to consult the DOJ's Megan's Law sex offenders' database not more than 60 days before designating a single-family residence as a polling place. (Chapter 137, Statutes of 2011).

AB 503 (Block) Authorizes an elections official, after tallying all eligible votes but prior to completion of an official canvass and the issuance of the certified statement of the results, upon request from a write-in candidate, to hand tally the remaining undervotes if specified conditions are applicable. Requires the elections official to include the results in the official canvas of the election. (Chapter 190, Statutes of 2011)

AB 547 (Gatto) Makes it a misdemeanor for a caretaker to coerce an elder into voting for or against a candidate or measure against their will. "Elder" means any person residing in this state, 65 years of age or older. (Chapter 260, Statutes of 2011)

AB 732 (Buchanan) Requires, for state bond measures that are submitted to the voters for their approval or rejection, the summary of the Legislative Analyst's estimate of the net state and local government fiscal impact to include an explanatory table of the information in the summary. (Chapter 453, Statutes of 2011)

AB 754 (Fletcher) Active military person deployed out of state may have an attorney-in-fact file papers necessary to run for office on his/her behalf. Attorney-in-fact must present original signed power of attorney. (Chapter 57, Statutes of 2011)

AB 985 (Williams) Allows counties the option to do a separate 1% manual tally of vote-bymail ballots during the official canvass, rather than combining the vote-by-mail ballots with the other ballots for the manual tally. (Chapter 52, Statutes of 2011)

AB 1357 (Swanson) Allows state to develop online voter registration form. (Chapter 192, Statutes of 2011)

AB 1343 (Fong) Requires a voter's name to be deleted from the permanent vote-by-mail list if they fail to return a completed vote-by-mail ballot for four consecutive statewide general elections, instead of two. (Chapter 191, Statutes of 2011)

AB 1344 (Feuer) Requires a city charter to be submitted to voters at the next statewide election date, provided there are 95 days before the election. (Chapter 692, Statutes of 2011)

AB 1929 (Gorell) Requires SOS to review and certify fillable PDFs. (Chapter 694, Statutes of 2012) (This was an urgency measure)

SB 183 (Correa) Requires elections officials to count or remake, rather than void, ballots with stray markings, including personal information, to ensure all ballots are counted when the voter's intent is clear. (Chapter 739, Statutes of 2011)

SB 202 (Hancock) Provides that all initiatives and referendum measures will be placed on the ballot only at a November statewide general election or at a statewide special election. (Chapter 558, Statutes of 2011)

SB 397 (Yee) Secretary of State and Department of Motor Vehicles must develop capability to process online voter registrations. (Chapter 561, Statutes of 2011)

Effective for 2013:

AB 216 (Swanson) Allows country elections officials to contract with credit bureaus to get more up-to-date addresses to contact voters to see if they would like to update their registration information. (Chapter 495, Statutes of 2012)

AB 1724 (Fong) Corrects inconsistency in state law by making it clear a voter can remain up to 10 minutes in a voting booth before requesting more time. (Chapter 238, Statutes of 2012)

AB 1805 (Huffman) Provides new definitions and procedures for military or overseas voters by incorporating parts of the Uniform Military and Overseas Voters Act. (Chapter 744, Statutes of 2012)

AB 2080 (Gordon) Removes requirement that a voter be ill or disabled to have a member of household drop off a vote-by-mail ballot. (Chapter 501, Statutes of 2012)

SB 1272 (Kehoe) Deletes the requirement for county central committees to be elected at every statewide election. Permits them to be elected at presidential primary elections or by holding a caucus or convention. (Chapter 507, Statutes of 2012)

SB 1275 (Lieu) Changes special election timeline to better facilitate compliance with Federal Military and Overseas Voter Empowerment Act deadlines. (Chapter 685, Statutes of 2012)

C4. Yes, two California counties conduct strictly vote-by-mail elections, but each county also allows in-person voting at its election office. (EC 3018) Additionally, certain precincts may be designated as mailed ballot precincts and certain jurisdictions may conduct all vote-by-mail elections under specified circumstances:

"Whenever, on the 88th day before the election, there are 250 or less persons registered to vote in any precinct, the elections official may furnish each voter with a vote by mail ballot along with a statement that there will be no polling place for the election. The elections official shall also notify each voter of the location of the two nearest polling places in the event the voter chooses to return the ballot on election day. The voter shall not be required to file an application for the vote by mail ballot and the ballot shall be sent as soon as the ballots are available. No precinct shall be divided in order to conform to this section." (EC 3005)

"A local, special, or consolidated election may be conducted wholly by mail provided that all of the following conditions apply:

(a) The governing body of the local agency authorizes the use of mailed ballots for the election.

(b) The election is held on an established mailed ballot election date pursuant to Section 1500.

(c) The election is one of the following:

(1) An election in which no more than 1,000 registered voters are eligible to participate.

(2) An election on a measure or measures restricted to (A) the imposition of special taxes, or (B) expenditure limitation overrides, or (C) both (A) and (B), in a city, county, or special district with 5,000 or less registered voters calculated as of the time of the last report of registration by the county elections official to the Secretary of State.

(3) An election on the issuance of a general obligation water bond in accordance with Section 12944.5 of the Water Code.

(4) An election of the Directors of the Monterey Peninsula Water Management District as authorized in Section 122 of Chapter 527 of the Statutes of 1977, known as the Monterey Peninsula Water Management District Law.

(5) An election of the Aliso Water Management Agency, or its affected member agencies, pursuant to Sections 13416 and 13417 of the Water Code.

(6) An election of the San Jacinto Mountain Area Water Study Agency pursuant to Sections 13416 and 13417 of the Water Code.

(7) An election of the San Lorenzo Valley Water District pursuant to Sections 13416 and 13417 of the Water Code.

(8) An election or assessment ballot proceeding required or authorized by Article XIII C or XIII D of the California Constitution. However, when an assessment ballot proceeding is conducted by mail pursuant to this section, the following rules apply:

(A) The proceeding shall be denominated an "assessment ballot proceeding" rather than an election.

(B) Ballots shall be denominated "assessment ballots."" (EC 4000)

"Notwithstanding Section 4000, a special district may conduct its elections by mail in accordance with Sections 1500, 4104, 4105, and 4108." (EC 4002)

"The established mailed ballot election dates are as follows:

(a) The first Tuesday after the first Monday in May of each year.

(b) The first Tuesday after the first Monday in March of each even-numbered year.

(c) The last Tuesday in August of each year." (EC 1500)

"(a) At the first general district election conducted by all-mailed ballot the following question shall be printed on the ballot and boxes shall be provided for the voter to indicate "Yes" or "No":

"SHALL THE MAILED BALLOT BE USED TO CONDUCT ALL FUTURE GENERAL DISTRICT ELECTIONS"

(b) If the majority of the voters favor the all-mailed ballot election it shall be adopted as the procedure for conducting future general district elections. If the question is rejected by the voters it may be resubmitted at any subsequent general district election in the manner provided for in Section 4105." (EC 4104)

"The question set forth in Section 4104, as to whether an all-mailed ballot election is required to be used in the conduct of all future general district elections, shall be printed on the ballot of any general district election upon (a) the adoption of an appropriate resolution by the governing board, or (b) upon the submission of an initiative petition to the governing board signed by voters not less in number than 10 percent of the voters in the district pursuant to the procedure set forth in Chapter 4 (commencing with Section 9300) of Division 9. This section shall apply only to those districts in which an election by all-mailed ballots was conducted pursuant to a resolution adopted by the governing board of the district in the manner provided for by Section 4108." (EC 4105)

"Notwithstanding any other provisions of law and regardless of the number of eligible voters within its boundaries a district may, by resolution of its governing board, conduct any election by all-mailed ballots pursuant to Division 4 (commencing with Section 4000). An election conducted pursuant to this section shall be held on a date prescribed in Section 1500 or on any other date other than an established election date." (EC 4108).

C5. "If a precinct board member (poll worker) is unable to locate a person's name on the voter registration index (polling place roster), the person is informed by the poll worker of his or her right to cast a provisional ballot and the process for casting a provisional ballot." (EC 14217)

When a person's qualification or entitlement to vote cannot be immediately established upon examination of the index of registration (polling place roster) for the precinct, the person is entitled to vote a provisional ballot. (EC 14310)

A voter who has moved to a new residence within the same county and has not reregistered to vote at the new address may vote at the polling place of the new residence, at the county election office, or at a central location designated by the election official using a provisional ballot. The voter will then be reregistered at the new address. (EC 14311)

"If the time for closing the polls is extended by court order, all votes cast during the extended operating hours for the polls shall be by provisional ballot…." (EC 14402.5)

"(a) 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 his or her 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 this section to the elections official in the county where the voter is registered to vote.

(b) To be counted, a ballot cast pursuant to this section shall satisfy both of the following requirements:

(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.

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

(d) If the requirements in subdivisions (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 this code.

(e) "Emergency worker" for the purposes of this section 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." (EC 14313).

C7. (a) During the official canvass of every election in which a voting system is used, the official conducting the election shall conduct a public manual tally of the ballots tabulated by those devices, including vote by mail ballots, using either of the following methods:

(1) (A) A public manual tally of the ballots, including vote by mail ballots, cast in 1 percent of the precincts chosen at random by the elections official. If 1 percent of the precincts is less than one whole precinct, the tally shall be conducted in one precinct chosen at random by the elections official.

(B) (i) In addition to the 1 percent manual tally, the elections official shall, for each race not included in the initial group of precincts, count one additional precinct. The manual tally shall apply only to the race not previously counted.

(ii) Additional precincts for the manual tally may be selected at the discretion of the elections official.

(2) A two-part public manual tally, which includes both of the following:

(A) A public manual tally of the ballots, not including vote by mail ballots, cast in 1 percent of the precincts chosen at random by the elections official and conducted pursuant to paragraph (1).

(B) (i) A public manual tally of not less than 1 percent of the vote by mail ballots cast in the election. Batches of vote by mail ballots shall be chosen at random by the elections official.

(ii) For the purposes of this section, a "batch" means a set of ballots tabulated by the voting system devices, for which the voting system can produce a report of the votes cast.

(iii) (I) In addition to the 1 percent manual tally of the vote by mail ballots, the elections official shall, for each race not included in the initial 1 percent manual tally of vote by mail ballots, count one additional batch of vote by mail ballots. The manual tally shall apply only to the race not previously counted.

(II) Additional batches for the manual tally may be selected at the discretion of the elections official.

(b) If vote by mail ballots are cast on a direct recording electronic voting system at the office of an elections official or at a satellite location of the office of an elections official pursuant to Section 3018, the official conducting the election shall either include those ballots in the manual tally conducted pursuant to paragraph (1) or (2) of subdivision (a) or conduct a public manual tally of those ballots cast on no fewer than 1 percent of all the direct recording electronic voting machines used in that election chosen at random by the elections official.

(c) The elections official shall use either a random number generator or other method specified in regulations that shall be adopted by the Secretary of State to randomly choose the initial precincts, batches of vote by mail ballots, or direct recording electronic voting machines subject to the public manual tally.

(d) The manual tally shall be a public process, with the official conducting the election providing at least a five-day public notice of the time and place of the manual tally and of the time and place of the selection of the precincts, batches, or direct recording electronic voting machines subject to the public manual tally prior to conducting the selection and tally.

(e) The official conducting the election shall include a report on the results of the 1 percent manual tally in the certification of the official canvass of the vote. This report shall identify any discrepancies between the machine count and the manual tally and a description of how each of these discrepancies was resolved. In resolving any discrepancy involving a voterecorded by means of a punchcard voting system or by electronic or electromechanical vote tabulating devices, the voter verified paper audit trail shall govern if there is a discrepancy between it and the electronic record. (EC 15360)

The one percent manual tally is defined in the Elections Code (EC 336.5) In addition to the California one percent manual tally law, the Secretary of State imposed as a condition of approval for the use of certain direct recording electronic (DRE) voting machines, a requirement to conduct a 100% post election manual tally audit of all ballots cast on the DRE voting machines. Further, in 2010, the California Legislature approved and the Governor signed, AB 2023 (Saldana), Chapter 122, Statutes of 2010, which authorized the Secretary of State to conduct a post election audit pilot program to test risk-limiting audits in California counties. In 2011, the Election Assistance Commission awarded the Secretary of State $230,000 in new federal Help America Vote Act (HAVA) grant funding to conduct the pilot program over two years and conduct audits in up to 20 California counties through 2013.

(http://www.sos.ca.gov/elections/voting-systems/oversight/post-election-auditing-regulations-and-reports/post-election-risk-limiting-audit-pilot-program/)

D3. Observation of the voting process and access to polling places is generally allowed, so long as the activity does not interfere with the voting process. Certain activities are prohibited, however.

“Any person may inspect the polling place roster while voting is in progress and when votes are being counted. However, this shall not be done at a time or in a manner which will impede, interfere or interrupt the normal process of voting.” (EC 14223 (b))

“Only precinct board members (poll workers) are allowed to sit at the desk or table used to sign in voters.” (EC 14223(a))

“Only voters engaged in voting or persons authorized by the precinct board are permitted in the voting booth area. (EC 14221) Exceptions are made when voters wish to allow minor children under their care to accompany them (EC 14222) or the voter is eligible to receive assistance.” (EC 14224)

“(a) The processing of vote by mail ballot return envelopes, and the processing and counting of vote by mail ballots, shall be open to the public, both prior to and after the election.

(b) A member of the county grand jury, and at least one member each of the Republican county central committee, the Democratic county central committee, and of any other party with a candidate on the ballot, and any other interested organization, shall be permitted to observe and challenge the manner in which the vote by mail ballots are handled, from the processing of vote by mail ballot return envelopes through the counting and disposition of the ballots.

(c) The elections official shall notify vote by mail voter observers and the public at least 48 hours in advance of the dates, times, and places where vote by mail ballots will be processed and counted.

(d) Notwithstanding paragraph (2) of subdivision (b) of Section 2194, vote by mail voter observers shall be allowed sufficiently close access to enable them to observe the vote by mail ballot return envelopes and the signatures thereon and challenge whether those individuals handling vote by mail ballots are following established procedures, including all of the following:

(1) Verifying signatures and addresses on the vote by mail ballot return envelopes by comparing them to voter registration information.

(2) Duplicating accurately damaged or defective ballots.

(3) Securing vote by mail ballots to prevent tampering with them before they are counted on election day.

(e) A vote by mail voter observer shall not interfere with the orderly processing of vote by mail ballot return envelopes or the processing and counting of vote by mail ballots, including the touching or handling of the ballots.” (EC 15104)

“No person, on election day, or at any time that a voter may be casting a ballot, shall, within 100 feet of a polling place, a satellite location under Section 3018, or an elections official's office:

(a) Circulate an initiative, referendum, recall, or nomination petition or any other petition.

(b) Solicit a vote or speak to a voter on the subject of marking his or her ballot.

(c) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240.

(d) Do any electioneering as defined by Section 319.5. As used in this section, "100 feet of a polling place, a satellite location under Section 3018, or an elections official's office" means a distance 100 feet from the room or rooms in which voters are signing the roster and casting ballots. Any person who violates any of the provisions of this section is guilty of a misdemeanor.” (EC 18370)

“(a) No person shall, with the intent of dissuading another person from voting, within 100 feet of a polling place, do any of the following:

(1) Solicit a vote or speak to a voter on the subject of marking his or her ballot.

(2) Place a sign relating to voters' qualifications or speak to a voter on the subject of his or her qualifications except as provided in Section 14240.

(3) Photograph, video record, or otherwise record a voter entering or exiting a polling place.

(b) Any violation of this section is punishable by imprisonment in a county jail for not more than 12 months, or in the state prison. Any person who conspires to violate this section is guilty of a felony.

(c) For purposes of this section, 100 feet means a distance of 100 feet from the room or rooms in which voters are signing the roster and casting ballots." (EC 18541)

"(a) Any person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, who is stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate city or county elections official is punishable by a fine not exceeding ten thousand dollars ($10,000), by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment.

(b) This section shall not apply to any of the following:

(1) An unarmed uniformed guard or security personnel who is at the polling place to cast his or her vote.

(2) A peace officer who is conducting official business in the course of his or her public employment or who is at the polling place to cast his or her vote.

(3) A private guard or security personnel hired or arranged for by a city or county elections official.

(4) A private guard or security personnel hired or arranged for by the owner or manager of the facility or property in which the polling place is located if the guard or security personnel is not hired or arranged solely for the day on which an election is held." (EC 18544)

"Any person who hires or arranges for any other person in possession of a firearm or any uniformed peace officer, private guard, or security personnel or any person who is wearing a uniform of a peace officer, guard, or security personnel, to be stationed in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate elections official is punishable by a fine not exceeding ten thousand dollars ($10,000), by imprisonment in the state prison for 16 months or two or three years or in a county jail not exceeding one year, or by both the fine and imprisonment. This section shall not apply to the owner or manager of the facility or property in which the polling place is located if the private guard or security personnel is not hired or arranged solely for the day on which the election is held." (EC 18545)

"Electioneering" means the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot within 100 feet of a polling place, an elections official's office, or a satellite location under Section 3018. Prohibited electioneering information includes, but is not limited to, any of the following:

(a) A display of a candidate's name, likeness, or logo.

(b) A display of a ballot measure's number, title, subject, or logo.

(c) Buttons, hats, pencils, pens, shirts, signs, or stickers containing electioneering information.

(d) Dissemination of audible electioneering information. (EC 319.5)