

## Common California Elections Code Violations

	<b>Election Day and Voting Violations</b>	
	<ul style="list-style-type: none"> <li>• Electioneering within 100 feet of a polling place on Election Day – Elections Code section 18370</li> </ul>	
	<ul style="list-style-type: none"> <li>• Electioneering during vote-by-mail voting – Elections Code section 18371</li> </ul>	
	<ul style="list-style-type: none"> <li>• Receiving money, a gift, loan or any other valuable consideration for voting – Elections Code section 18521</li> </ul>	
	<ul style="list-style-type: none"> <li>• Using or threatening to use any force, violence, or tactic of coercion or intimidation to compel another to vote or refrain from voting – Elections Code section 18540</li> </ul>	
X	<ul style="list-style-type: none"> <li>• Fraudulently voting in an election in which one is not entitled – Elections Code section 18560(a)</li> </ul>	

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	<b>Nomination and Election Campaign Violations</b>	
	<ul style="list-style-type: none"> <li>• Voting or attempting to vote more than once in an election – Elections Code section 18560(b)</li> </ul>	
<del>X</del>	<ul style="list-style-type: none"> <li>• Filing a false nomination or declaration of candidacy – Elections Code section 18203</li> </ul>	
	<ul style="list-style-type: none"> <li>• Using the seal of a county or local government agency in campaign literature – Elections Code section 18304</li> </ul>	
<del>X</del>	<ul style="list-style-type: none"> <li>• Fraudulently applying for, voting or attempting to vote an absentee ballot – Elections Code section 18578</li> </ul>	

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	<b>Petition Initiative and Circulator Violations</b>	
	<ul style="list-style-type: none"> <li>• As a petition circulator, intentionally misrepresenting the contents, purport or effect of that petition to a prospective signer – Elections Code section 18600</li> </ul>	
	<ul style="list-style-type: none"> <li>• Obscuring the Attorney General’s summary of the measure from a prospective signer – Elections Code section 18602</li> </ul>	
	<ul style="list-style-type: none"> <li>• Exchanging money or valuable consideration for petition signatures – Elections Code section 18603</li> </ul>	
	<ul style="list-style-type: none"> <li>• Circulating a petition, knowing it contains false, forged or fictitious names – Elections Code section 18611</li> </ul>	
	<ul style="list-style-type: none"> <li>• Signing a petition more than once or signing knowing that you are not qualified to sign it – Elections Code section 18612</li> </ul>	
	<ul style="list-style-type: none"> <li>• Subscribing fictitious names or the name of another to a petition – Elections Code section 18613</li> </ul>	
	<ul style="list-style-type: none"> <li>• Threatening a petition circulator with assault or battery or inflicting damage on a circulator’s property or that of the circulator’s relative – Elections Code section 18630</li> </ul>	
	<ul style="list-style-type: none"> <li>• Making a false affidavit concerning a petition or the petition signatures – Elections Code section 18660</li> </ul>	

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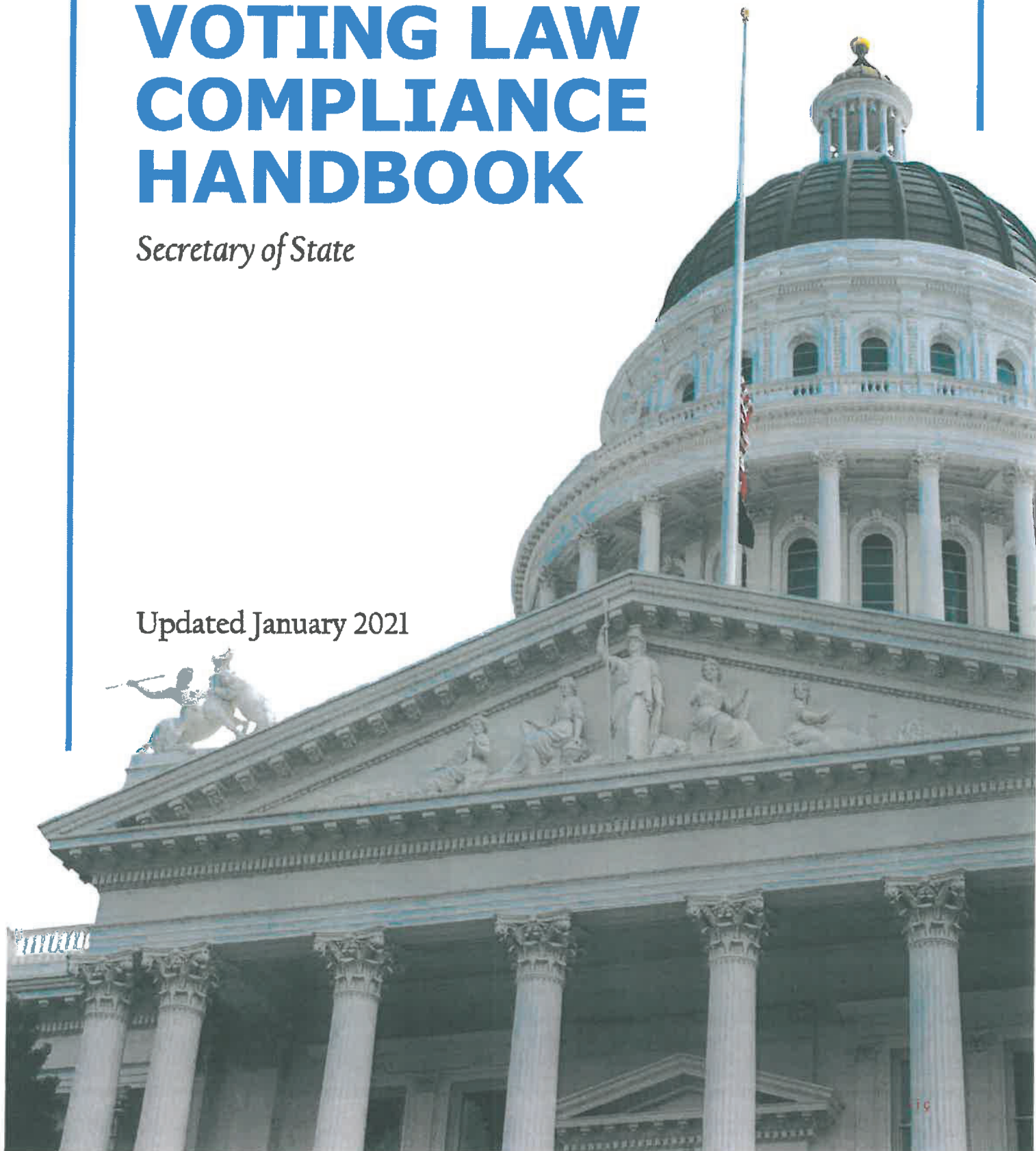
	<b>Voter Registration Violations</b>	
	<ul style="list-style-type: none"> <li>• Registering yourself or another knowing that you or that person is not entitled to register – Elections Code section 18100(a)</li> </ul>	
	<ul style="list-style-type: none"> <li>• Registering a non-existent person (including the deceased, animals, inanimate objects) – Elections Code section 18100(b)</li> </ul>	
	<ul style="list-style-type: none"> <li>• Registering a fictitious person or someone not requesting registration – Elections Code section 18101</li> </ul>	
	<ul style="list-style-type: none"> <li>• Negligence in promptly transferring a voter’s affidavit to an elections official – Elections Code section 18103</li> </ul>	
	<ul style="list-style-type: none"> <li>• Altering the party affiliation of a voter’s affidavit – Elections Code section 18106</li> </ul>	
	<ul style="list-style-type: none"> <li>• Misrepresenting on a voter registration card as having assisted a citizen to register – Elections Code section 18108.1</li> </ul>	
	<ul style="list-style-type: none"> <li>• Knowingly misusing voter registration information obtained from the county Registrar or Secretary of State or acquiring voter information without complying with Elections Code section 2188 -- Elections Code section 18109</li> </ul>	

A Voter's Guide to Safeguard California's Election Process

# VOTING LAW COMPLIANCE HANDBOOK

*Secretary of State*

Updated January 2021



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## Registering to Vote

**I work in a county other than the one in which I reside. I spend the majority of my time at work. I would prefer to register to vote using my work address. Can I do that?**

**No. The Elections Code requires you to register to vote using the address of your domicile in the county in which you reside. "Domicile" is defined as the place where you live, where your habitation is fixed, and where you intend to remain and return to whenever you are absent from it. (Elec. Code, §§ 321, 349, 2020-2034.)**

**My husband and I registered to vote at a registration booth in front of a grocery store. He and I registered under different political parties, and I think I was discriminated against because I did not register with the party that the workers at the booth represented. I never received notice from my county elections official, but my husband did. When I called the county, I was informed that my voter registration form wasn't turned in until one week before the election, which was too late to process my registration. Can they turn my card in late just because I didn't register with their party?**

No, they cannot. Anyone entrusted with turning in a completed voter registration card must, by law, mail or deliver it to your [county elections official](#) within three working days or by the registration cut-off date, which is 15 days prior to an election. (Elec. Code, §§ 2138, 18103.) If someone helped you register, that person by law must also sign the form and write his or her name, address, phone number and the name and phone number of whoever is paying compensation for completed voter registration cards in the space provided. (Elec. Code, §§ 2159, 18108.) Upon registering, you should receive a notification card within three weeks acknowledging that the county has received your voter registration card. (Elec. Code, § 2155.) If you have not received the notification card in that time frame, you should contact your local county elections official or visit [My Voter Status](#). If you are not registered by the 15-day cut-off date, you can also conditionally register and vote up to and including on Election Day; for more information you can contact your county elections official or visit [Same Day Voter Registration](#).

**When I registered to vote, the registration worker told me that I must give my actual home address on the registration form, even though I always use a post office box to protect my privacy. Now, I'm getting unwanted campaign solicitations at my home address. I thought the information from my voter registration files was supposed to be kept confidential. Is it?**

Yes, voter files are confidential, with the exception that they are accessible for election, scholarly, journalistic, political, or governmental purposes. Political campaigns can use voter file information to communicate with voters, but they must first fill out a form stating that the voter file information will be used for election purposes only and that they will not share the information with anyone else. If you believe the law has been broken, you may contact the Secretary of State's Election Fraud Investigation Unit at (916) 657-2166 or contact your [county elections official](#). (California Code of Regulations, title 2, §§ 19001-19009; Elec. Code, §§ 2194, 18109; Gov. Code, § 6254.4.)

**I went to get my driver license, and they DMV said that I would be automatically registered to vote. I know that non-citizens and persons who are unable to submit satisfactory proof that their**

**presence in the United States is authorized under federal law are allowed to get a California driver license. However, by automatically registering people at DMV, is it more likely that non-citizens and persons who are unable to submit satisfactory proof that their presence in the United States is authorized are registering to vote and illegally voting?**

The National Voter Registration Act (Motor Voter) requires the Department of Motor Vehicles (DMV) to offer their customers the opportunity to register to vote. State law prohibits DMV from sending information for AB 60 applicants (undocumented driver license applicants) to the Secretary of State. For other applicants, state law requires each person to declare, under penalty of perjury, that they meet all voter eligibility requirements, including citizenship. The registration forms are highlighted, as are the instructions, and state that a person must be a citizen of the United States in order to be eligible to register. (Elec. Code, § 2101.) Also, any literature or media announcements made in connection with programs designed to encourage people to register to vote must also point out that a person must be a citizen of the United States in order to be eligible to register and vote. (Elec. Code, § 2106.)

**There was a table outside the hardware store with a sign that said "Democrats, Register Here." I wanted to register with the American Independent Party, but the person at the table wouldn't give me a voter registration card. Can they do that?**

No, the law says that anyone who distributes voter registration cards shall give a voter registration card to anyone requesting it, provided the person or organization has cards available. (Elec. Code, § 2158.) Refusal to give cards to eligible voters may be punishable by a fine of up to \$200 per infraction. (Elec. Code, § 18107.)

**I re-registered a few months ago and don't remember filling in any information about where, or if, I was registered before. I don't want someone to use my previous registration to cast an illegal vote. What can I do to get them to remove my name from the county where I used to live and register me in the new county?**

Although the voter registration form contains a space to provide your former voter registration address, people often forget to complete that section. There is a statewide voter registration system that is used to crosscheck all of California's county registration files for duplicates, which helps to keep the voter registration files updated. However, if you have moved into a different county, and wish to be certain your registration is accurate, you could write a letter to the county elections official where you were formerly registered and ask them to delete your registration from their rolls. You can also check your most up-to-date voter registration status at [My Voter Status](#).

**A political party representative offered my college-aged son a summer job helping voters to register with their party. Can people really get paid to register voters and, if so, can the parties just pay the registration workers for registering people with a particular party? Doesn't this create temptation for workers to forge registrations or alter party preferences on the cards?**

It is legal for people who register voters to be paid per registrant and/or per registrant with a particular party. However, there are strict laws in place to prevent the type of behavior you describe or to catch

people who engage in those practices. Anyone registering voters is required to print on the voter registration card his or her name, address, and telephone number, as well as the name and telephone number of their employer. The person assisting with registration must also sign the voter registration card. Failure to comply with these provisions may bring fines and/or imprisonment. (Elec. Code, §§ 2159, 2159.5, 18108, 18108.5.)

**Someone told me that because my neighbors are from Europe, they couldn't vote. Isn't it true that once they've become U.S. citizens they can vote?**

Once a person is naturalized as a United States citizen, they can register and vote in California as long as they are at least 18 years of age and a resident of California, not currently serving a state or federal prison term for the conviction of a felony, and not currently found to be mentally incompetent to vote by a court. (Elec. Code, §§ 321, 2101, 2208, 2212.) In fact, any person naturalized after the 15th day prior to an election can go to the office of their [county elections official](#) with proof of residence and citizenship, and register and vote. (Elec. Code, §§ 331, 3500, 3501.)

**I was married in October, right before the last election. Since I wanted to make sure that I was registered to vote under my new name, I re-registered. Not only did I receive a voter information guide with my new name on it, I got another one with my maiden name on it. What can I do to make sure I only receive one voter information guide next time?**

The situation you describe is one of the most common causes of duplicate registrations on the voter registration rolls. In your case, you should contact your county elections official and make clear to them which name you are currently, legally using and ask them to remove the other from the voter rolls. Anyone who changes their name should be sure to fill in the box on the voter registration card that asks for previous registration information. This will allow the prior registration on file to be revised. Additionally, you can check your most up-to-date voter registration status at [My Voter Status](#).

**I noticed that there are 30 people registered to vote at the local homeless shelter. Can people really register to vote at a temporary location like a homeless shelter?**

Both state law and judicial rulings support the right of a person who is experiencing homelessness to register to vote. They may register to vote as long as they maintain a fixed location where they can receive mail and at which they can be properly assigned to a precinct. (Elec. Code, § 2027.)

**My son just moved onto his college campus and wants to transfer his registration so he can vote there instead. Can he do that?**

Yes. He should re-register by filling out a new voter registration card with his new residence and filling in the prior registration information so his prior registration will be revised. He can also re-register [online](#). However, he may remain registered at his permanent residence, such as your home, and simply request that a vote-by-mail ballot be sent to him. The decision as to where he registers and votes is up to him, but he can only be registered in one location and vote once. (Elec. Code, §§ 349, 2020-2024, 2032.)

**I own a home on the coast that is three hours from my job in the city. I also own a townhouse in the city where I reside during the week, but I return home on the weekends to be with my family. From which residence address am I legally entitled to register and vote?**

In this type of situation, the decision as to where you register and vote is up to you, but you must choose one. Generally, your **domicile** is where your family lives, where you physically reside, the place you intend to return to whenever you are gone from it, where your driver license says you reside, and where you claim your homeowner's property tax exemption or renter's tax credit. (Elec. Code, §§ 349, 2020-2034.)

**A person helped me fill out my voter registration card. After he took it back from me to turn it in, he marked the box for a political party that I'm not sure I wanted to register with. Is that legal?**

No. If you believe your voter registration affidavit has been tampered with, you should report it to our Election Fraud Investigation Unit at (916) 657-2166 or your [county elections official](#) immediately. People who assist others to register to vote, whether they are being paid or not, are prohibited from altering your affidavit or pre-marking it before they give it to you. (Elec. Code, § 18106.) Additionally, you can check your most up-to-date voter registration status at [My Voter Status](#).

**When I was signing the roster at the polls before I went into the voting booth, I saw the name of my neighbor's dog on the rolls. What can I do to report this unlawful act?**

State law specifically makes it illegal for anyone to register a nonexistent person. (Elec. Code, §§ 18100-18102.) If you believe voter registration or voter fraud has occurred, you should report it to our Election Fraud Investigation Unit at (916) 657-2166 or your [county elections official](#) immediately.

## Voting

### At the Polls

**I applied for my vote-by-mail ballot on a form I got in the mail from one of the campaigns. After I received my vote-by-mail ballot, I voted the ballot and mailed it in. The day before the election, the campaign called and said the county elections office hadn't received my vote-by-mail ballot and that I had better go to the polls to vote in person instead. What if my voted ballot arrives at the county elections office tomorrow and I vote in person, too? Won't I be guilty of voting twice?**

It is against the law to intentionally vote or try to vote both by mail and in person. If you received and mailed back a vote-by-mail ballot, but are concerned it won't be received by your county elections official within 3 days after Election Day, you may go to the polls and vote a provisional ballot. (Elec. Code, § 3020.) If your vote-by-mail ballot does arrive at the county elections office in time, it will be counted and your provisional ballot will be voided. (Elec. Code, §§ 18500, 18560.) Ballot reconciliation is a routine part of the official vote counting canvass that happens after the election.

**I work a 7:00 a.m.–7:00 p.m. shift, and I live 45 miles from where I work. I do not have sufficient time to go and vote on Election Day during my lunch hour. What can I do?**

On Election Day, if you do not have sufficient time outside of working hours to get to the polls and vote in a statewide election, state law provides up to two hours of paid time off to vote. Those two hours must be at the beginning or end of your normal shift, and you must notify your employer at least two working days before the election that you will need to exercise this right. No less than 10 days before a statewide election, your employer is required to post a notice about this in a conspicuous location. (Elec. Code, §§ 14000-14002.)

You may want to contact your [county elections official](#) and inquire about early voting opportunities and locations. You can also visit [My Voter Status](#) for voting information specific to you.

**The local radio station is offering free donuts for anyone who shows up at their door and proves they've voted in the election next Tuesday. Is that legal?**

No, it is not legal if there is a federal office (President, U.S. Senate, or House of Representatives) on the ballot. Federal law prohibits anything of value being given in exchange for proof of voting. State law prohibits anything of value being given to urge a voter to vote or refrain from voting for a particular candidate or measure, but it is not illegal to give away items to people solely for voting in a local or state election where no federal offices are on the ballot. (Elec. Code, §§ 18520-18523; 52 USC § 10307(c).)

**I am elderly and not very mobile. A local candidate's campaign called and offered to take me to the polls on Election Day. Can they do that?**

Yes, but they cannot attempt to influence you or offer you any type of reward or thing of value for voting, or talk to you about how you intend to vote.

**My friend is conducting a write-in campaign and is printing peel-off labels for us to put on our ballots to vote for him. Will my vote count if I use his peel-off label?**

No. Your write-in vote will not count if you use peel-off labels, stamps, or stickers. Voters must write the name of the qualified write-in candidate and the office on the ballot or write-in envelope for the vote to be counted. (Elec. Code, § 15342.)

**I recently moved from one side of town to the other. My friend said I could go back and vote at my old polling place or I could go to the new polling place. Where should I go to vote on Election Day?**

It actually depends on how recently you've moved. If you moved on or before the registration deadline, which is 15 days prior to the election, the wisest action would be for you to re-register at your new address. You will receive your county voter information guide there with information about where you can go to vote.

If you've moved after the 15-day voter registration deadline, you can conditionally register (or re-register) to vote and vote provisionally at the polling location for your new residence. Moreover, if you live in a county that conducts elections under the California Voter's Choice Act, conditional registration is offered at all locations within the county. Visit [Same Day Voter Registration](#) and [Voter's Choice Act](#) for more information. However, after the 15-day voter registration deadline, you also have the legal right to return to your old polling place just for that election. (Elec. Code, §§ 2035, 14311)

**The lady in line in front of me at the polls last election had two rowdy, noisy kids with her. After she signed in and got her ballot, the kids actually went into the voting booth with her. Can they do that?**

Children under the age of 18 can go into the voting booth with the voter. (Elec. Code, § 14222.)

**The other day I got a mailing from a Senate candidate reminding me to vote and telling me where my polling place is. The polling place her told me to go to is different than what's printed on my county voter information guide. Who do I believe and are they breaking some law telling me to go to the wrong place?**

It was probably a mistake. Circumstances can occur which cause polling place locations to change at the last minute before an election and sometimes campaigns have outdated information. You should rely on the information on the back of your county voter information guide. If someone has intentionally directed you to the wrong polling location, he/she can be charged with a misdemeanor offense. Contact the Secretary of State's Election Fraud Investigation Unit at (916) 657-2166 or your [county elections official](#) if you have reason to believe this is the case. (Elec. Code, § 18302.)

However, if you live in a county that conducts elections under the California Voter's Choice Act, there are multiple polling locations where you can vote. Visit [Voter's Choice Act](#) for more information. You may want to contact your [county elections official](#) and inquire about early voting opportunities and locations. You can also visit [My Voter Status](#) for voting information specific to you.

**When I went into my polling booth, I noticed a little pencil with a candidate's name on it urging voters to be sure and mark the box for him. Can the candidate or his supporters do that?**

No. It is illegal to have items with a candidate's name on them in the polling place. This constitutes electioneering and any electioneering must be conducted a minimum of 100 feet from the place where people are voting. Sometimes, a voter inadvertently leaves such materials in the voting booth. (Elec. Code, §§ 319.5, 18370)

**A lady working at my polling place last Election Day was wearing a T-shirt that said "Down with Liberals" on it. Can she wear that?**

Yes. It is not considered electioneering because the t-shirt doesn't actually advocate voting for or against a particular candidate or measure. If the shirt had a statement for or against something or someone on the ballot, it would not be allowed within 100 feet of the polls. If the elections official is aware of the situation, he or she will likely request that the woman cover it up or change into something

that does not cause the slightest appearance of partisanship. (Elec. Code, §§ 319.5, 18370, 18541, 18546.)

**I saw the name of my deceased uncle on the roster when I went to the polls last week and he was designated as a vote-by-mail voter. He's been dead for more than two years. Does this mean he was sent a vote-by-mail ballot and someone could be voting in his name? Who do I report this to?**

You should report the suspected illegal vote-by-mail ballot to the Secretary of State's Election Fraud Investigation Unit at (916) 657-2166 and to your [county elections official](#) immediately. To prevent situations like this from occurring, the Secretary of State's office has established regulations requiring local coroner's death notices be sent to election officials, which are then used to reconcile with names on the voter files.

**I am, as are many of my neighbors, a naturalized U.S. citizen, but I'm more comfortable reading election materials in my native language. Just because I ask for voting materials in Spanish, can someone harass me or make me prove my citizenship?**

No. The federal Voting Rights Act requires minority language materials to be available where there are a significant number of people who speak that language. The voter registration card you signed under penalty or perjury declaring that you were a citizen is the only citizenship proof required for voting. (Elec. Code, §§ 2111, 2112.) This type of harassment may also be considered intimidation, which is a violation of law. (Elec. Code, §§ 18540, 18541.) For your convenience, there is a box on the voter registration card to request election materials in the foreign language of your choice. To request foreign language versions of election materials by phone, call (800) 345-VOTE.

### **Voting by Mail**

**I never signed up to receive a vote-by-mail ballot, but I just received one in the mail. I like to go to my polling place to vote. Is this a mistake?**

If you live in a county that conducts elections under the California Voter's Choice Act, all voters within the county are mailed their ballots, whether or not they have received a mailed ballot in the past. In those counties, there are multiple polling locations, which are open up to 10 days before Election Day, where you can vote. Visit [Voter's Choice Act](#) for more information.

**A U.S. Senate candidate sent me a vote-by-mail ballot application that said to return it to the campaign after I had filled it out. The campaign even offered to bring a vote-by-mail ballot application to me at my house some evening and help me fill it out. Is that permitted by law?**

It is not illegal for a campaign to help you apply for a vote-by-mail ballot. If you want to apply for one on your own, you can fill out the [California Vote By Mail Application](#) or the application printed on your county voter information guide and return it to your county elections official. You can also contact your [county elections official](#) to see if your county allows you to apply by telephone.

Once you have received your ballot, under no circumstances permit any campaign workers to fill in your choices or attempt to influence the way you vote. If they attempt do so, you should report them to our Election Fraud Investigation Unit at (916) 657-2166 and to your [county elections official](#) immediately. (Elec. Code, §§ 18371, 18403, 18577.)

Once you have voted your ballot, you must return it on or before Election Day. You can return it by mail or in person to your county elections official, or in person to a polling location or a vote-by-mail drop-off location anywhere in the state. If you don't think you can return it to your county elections office in time to be counted, you can designate any person to return it for you in any of the ways set forth above. (Elec. Code, § 3017.)

**My co-worker does not have any health problems and has plenty of time to vote on her way to or from the office, yet, she always votes by mail. I thought you had to have some legitimate excuse or health problem to be able to vote by mail. Can she do that?**

Yes, she can. Voters do not need to provide a reason when requesting a vote-by-mail ballot or when registering as a permanent vote-by-mail voter. (Elec. Code, § 3003.)

**One of the campaigns came door to door with blank vote-by-mail application forms. The person even offered to help me fill my form out and return it for me. Part of the form was already filled out in my name. It looked like a computer had generated a form for all of us who are registered on this street. Can they do that?**

Portions of the vote-by-mail application form may be pre-printed, but you must personally fill in the address where you want the ballot sent and the name of the political party, if you choose one, and you sign it yourself. The application must also conspicuously state that you have the right to return the application to your local election official directly. Campaigns may collect and return completed applications on your behalf, but they must do so within 3 days or prior to the deadline for applying for the vote-by-mail ballot. (Elec. Code, §§ 3006, 3008, 18402.) If you want to apply for one on your own, you can fill out the [California Vote By Mail Application](#) or the application printed on your county voter information guide and return it to your county elections official. You can also contact your [county elections official](#) to see if your county allows you to apply by telephone.

**Somebody told me I could get a vote-by-mail ballot sent to me over the Internet. I think it could open the doors for a lot of people to illegally vote. Can this be true?**

Some county elections officials allow you to request a vote-by-mail ballot on their website or over the phone and have it sent to your home. You may also request a vote-by-mail ballot by sending your county elections official a signed request or by completing the [California Vote By Mail Application](#) or the form found in your voter information guide and mailing it to your [county elections official](#). You can also contact your [county elections official](#) to see if your county allows you to apply by telephone.

Additionally, counties offer a remote accessible vote-by-mail (RAVBM) system to provide an accessible option for voters with disabilities to receive their ballots at home and mark them independently and

privately before sending them back to county elections officials. You can contact your [county elections official](#) for more information.

**My neighbor's husband applied for a vote-by-mail ballot and then suddenly died four days before the election. Their son told me that his mom voted and returned the ballot for her late husband in his honor and memory because she knew how he was going to vote. Is this legal?**

This is illegal. Your neighbor cannot vote her deceased husband's ballot even if she knew his intentions. By doing so, she has specifically violated Elections Code sections 18560 and 18578, which is a crime that should be reported to our Election Fraud Investigation Unit (916) 657-2166 or to your local election official. However, it is possible the man actually cast his ballot before he passed away (the vote-by-mail voting period opens 29 days before the election) and his wife mailed it after his death. Every signature on a vote-by-mail ballot envelope is compared against the signature on the voter's registration form. If it does not match the ballot, it is not counted.

**I understand that the list of people who apply for a vote-by-mail ballot is public record, but can a campaign really go door to door and offer to collect the voted ballots and return them on the voter's behalf? Is this legal?**

Yes. A vote-by-mail voter who is unable to return his or her ballot may designate any person to return the ballot to the elections official who issued the ballot or a polling location or vote-by-mail drop-off location within the state. However, the designated person cannot interfere with the ballot's return to the elections official. (Elec. Code, §§ 3017, 3021, 18577.)

**My best friend's brother is in state prison on a felony conviction and applied to vote a vote-by-mail ballot from there. Can he do that?**

No. A person who is currently serving a state or federal prison term for the conviction of a felony cannot register to vote or vote. In fact, to ensure that felons are not on the voter rolls and voting, the Secretary of State's office regularly receives criminal record updates from the state Department of Corrections to verify a felon's status against the county's current voter registration files. (Elec. Code, §§ 321, 2000, 2101; Cal. Const. article II, § 2.) However, if the person is in a county jail serving a misdemeanor or a felony jail sentence, or because jail time is a condition of probation, they are awaiting trial, or they are on probation or parole, they can register and vote. For more information visit [Voting Rights: Persons with a Criminal History](#).

## Counting the Ballots

**I would like to watch how ballots get counted on election night to see how it works. Is this process open to the public? [Please contact your county elections official to ask if there are COVID-19 specific instructions related to elections observers.]**

Yes. The entire process, from the opening of the vote-by-mail ballot envelopes to the counting of ballots on election night is open to the public. (Elec. Code, §§ 15004, 15104.) Contact your local election official

for more information on observing the process on election night. Additionally, to test the accuracy of the counting machines prior to the official certification of election results, each county election official must conduct a public manual count of the ballots cast in one percent of the precincts or a two-part public manual count; the ballots counted are chosen at random by the election official. (Elec. Code, § 15360.)

**After I voted my ballot, I handed it back to the precinct inspector to put it into the ballot box. She tore off the stub and handed it to me, but I never actually saw her put my ballot into the ballot box. In fact, the box didn't even look like it was securely sealed. Are there procedures that they're supposed to follow to guarantee our ballots are secret and ultimately counted?**

Yes. There are very clear procedures set forth in state law about who handles ballots, protecting the secrecy of ballots, and the reconciliation of all precinct supplies when the polls close at 8:00 p.m.. (Elec. Code, §§ 14291, 14293, 18562, 18563.) If you believe your ballot was improperly handled, you should report it immediately to our Election Fraud Investigation Unit at (916) 657-2166 or to your [county elections official](#).

**I've heard stories about instances in other states where the precinct ballot box was switched for another one on the way to the county election office. Can this happen in California?**

California election officials, on a county-by-county basis, employ several security measures to protect against any ballot box switching. Among the many steps taken to ensure the ballot box that leaves the precinct is the same one that arrives at the central counting location, the precinct board seals each box after all the supplies (ballots, rosters, etc.) are put inside, along with the reconciliation pages. Therefore, in order to swap a box, the new box would have to contain the identical, duplicate contents that were sealed inside the first box. There are always at least two people watching this process and each poll worker must sign the reconciliation sheet. In most of the larger counties, each box is also identified by a bar code. However, with proper notice and in compliance with state law, a county election official may direct a precinct board to seal a ballot container and remove it from a polling location prior to the closing of the polls. (Elec. Code, §§ 14422, 14428.) If you suspect ballot box tampering has occurred, contact our Election Fraud Investigation Unit at (916) 657-2166 or your local election official immediately.

**I wanted to stay after the polls closed at 8:00 p.m. to see for myself that the ballot box was sealed and there was no funny business going on at my precinct. However, one of the poll workers told me that I had to leave when the polling place closed. I thought I could stay and watch the process of reconciling the votes. Can I? [Please contact your county elections official to ask if there are COVID-19 specific instructions related to elections observers.]**

Yes, you can stay after the polls close to watch the reconciliation process. In most counties, the raw number of ballots cast is counted at the precinct. The actual votes cast are counted at a central receiving area, usually the county election office. You are welcome to watch ballot counting at either location.

**How can I be sure that no one is tinkering with the computer programs that count the ballots on election night?**

The Secretary of State certifies all voting systems. Each county, before and after counting ballots, must run a number of pre-marked ballots through the computer as part of a legally required test, known as the "Logic and Accuracy" check. In addition, each county must file their Logic and Accuracy tapes with the Secretary of State, as well as escrow a copy of their software. These safeguards were designed to test the system before the actual counting of the real ballots on Election Day.

**The candidate whom I supported for a local office in my community lost his election by a handful of votes. I have reason to believe something fishy was going on in his opponent's camp. I even have a couple of leads that might prove my theory that my guy should have won. What can I do to prevent his opponent from taking office?**

After the votes are all counted, and the results are certified, anyone can contest an election by filing papers to do so in a court of law shortly after the date the election is certified. The papers must indicate the reason for the contest, such as poll worker fraud, election official misconduct, faulty computers, etc. Generally, a judge will determine whether the allegations involve a number of votes sufficient to change the outcome of an election as a threshold step to proceeding. If the case continues, all the records of the election, including precinct supplies, rosters, ballots, voting equipment, software, vote-by-mail envelopes, etc., are made available to the attorneys representing both the plaintiff as well as the defendant. A judgment in favor of the plaintiff would prevent the defendant from taking office. (Elec. Code, § 16400.) If you believe there has been a criminal violation, please contact our Election Fraud Investigation Unit at (916) 657-2166 or your local election official immediately.

## **Campaign Dos and Don'ts**

**The other day, I got a mailing that looked very official, complete with a copy of the state seal on the envelope. It turned out to be campaign literature. I thought campaigns had to tell you they printed and mailed out this stuff, and that they couldn't use our state's seal. Am I right, or can they do that?**

You are right. Campaigns cannot legally use the state seal on their literature. (Elec. Code, § 18304; Gov. Code, § 402.5.) Every page of a simulated sample voter information guide must clearly state it is not an official document, and the mailing may not have an official government seal on the envelope or the contents. (Elec. Code, §§ 18301, 20009.) Please report this type of campaign misconduct to our Election Fraud Investigation Unit at (916) 657-2166 or your [county elections official](#) immediately.

**There is a ballot measure coming up that directly affects my profession and livelihood. In last month's pay envelope, my boss included a flyer urging me to vote for the proposition. Can he do that?**

No. Including in or on your pay envelope any type of written or printed opinion that directly or by implication urges you to vote for or against a candidate or measure or is intended to influence your political action or opinion is prohibited by law. (Elec. Code, § 18542.)

**I had a yard sign up for the city council candidate I am supporting, and then it disappeared. I suspect that it was stolen by the opponent's camp. What can I do?**

Although this seems like an elections-related offense, this crime is strictly considered petty theft, best handled by local law enforcement authorities. You can report the theft to your local police or sheriff's department.

**A volunteer for one of the presidential candidates told me if I promised to vote for his candidate, and his candidate wins, he would make sure I was on the slate of electors to go to the Electoral College. This seems to me like a bribe to get me to vote in a particular way. Is that illegal?**

Yes. It is against the law to offer any kind of consideration to get people to vote, or not vote, in any particular manner. (Elec. Code, §§ 18520-18522.)

**My neighbor is running for city council, and in her candidate statement in the county voter information guide, she claims to be a college graduate. I happen to know that she dropped out of high school. Can she get away with purposely misrepresenting her qualifications?**

If a candidate knowingly falsifies information on his or her candidate statement, he or she can be fined up to \$1,000. (Elec. Code, § 18351.) Elections Code section 13307 provides that authors are not exempt from any civil or criminal action or penalty because of any false, slanderous, or libelous statements contained in the county voter information guide. There is an opportunity to challenge the contents of the candidate's statement printed in the guide during the public display period provided for in Elections Code section 13313.

## The Initiative Process

**A guy stopped me in front of the supermarket and asked me to sign a petition. When I asked what the petition was for, he misrepresented what the petition was about and covered up the printed summary at the top of the petition. He can't do that, can he?**

No, you must be allowed to see the official summary of the petition. A circulator is breaking the law and can be fined or put in jail if he misrepresents the contents and purpose of the petition. (Elec. Code, §§ 18600-18602.) If you have reason to believe that a circulator is breaking the law, gather as much information on him or her as possible. Note the location at which the circulator was working, a physical description of the circulator, the name or a description of the initiative measure and/or the proponents of the petition you were asked to sign, and the names of anyone who also witnessed the misrepresentation. Remember to report anything unusual to your [county elections official](#) or to the Secretary of State's Election Fraud Investigation Unit at (916) 657-2166.

**I am circulating a petition to recall a local elected official and would like to collect signatures for the drive on Election Day in front of my local polling place. After all, I know the people going in or coming out of the polls are registered voters, so it's a ready-made target audience. Can I solicit signatures right outside the door of the polling place?**

No. While it might seem to be the ideal location, this would be construed as electioneering and state law expressly states that you must remain at least 100 feet from the room where voters are signing the roster and casting their ballots. (Elec. Code, § 18370.)

## Helpful Contact Information

### City Election Issues:

Contact your city clerk. Please refer to the [California Roster](#).

### County Election Issues:

Contact your [county elections official](#).

### State Election Issues:

Contact the California Secretary of State:  
Elections Division  
1500 11th Street, 5th Floor  
Sacramento, CA 95814  
E-mail: [elections@sos.ca.gov](mailto:elections@sos.ca.gov)  
Website: [www.sos.ca.gov](http://www.sos.ca.gov)  
(916) 657-2166 or (800) 345-VOTE (8683)

### Federal Election Issues:

Contact the Federal Election Commission:  
999 E Street, NW  
Washington, D.C. 20463  
Emails: FEC and federal campaign finance law: [info@fec.gov](mailto:info@fec.gov)  
Campaign finance reports and data: [pubrec@fec.gov](mailto:pubrec@fec.gov)  
Website: [www.fec.gov](http://www.fec.gov)  
(800) 424-9530

Or

Contact the United States Department of Justice – Public Integrity Section:  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001  
E-mail: [AskDOJ@usdoj.gov](mailto:AskDOJ@usdoj.gov)  
Website: [www.justice.gov](http://www.justice.gov)  
(202) 514-1412