

## **California Election Code Sections**

### **Polling Place**

#### **12223. Maximum number of voters in a precinct.**

(a) When ever a jurisdiction is divided into election precincts or whenever the boundary of an established precinct is changed or a new precinct is created, the precinct boundary shall be fixed in a manner so that the number of voters in the precinct does not exceed 1,000 on the 88th day prior to the day of election, unless otherwise provided by law.

(b) This section shall become operative on January 1, 2005.

*(Added by Stats. 2001, c. 904, §3.)*

#### **15101. Processing absentee ballots.**

(a) Any jurisdiction in which absentee ballots are cast may begin to process absentee ballot return envelopes beginning 29 days before the election. Processing absentee ballot return envelopes may include verifying the voter's signature on the absentee ballot return envelope and updating voter history records.

(b) Any jurisdiction having the necessary computer capability may start to process absentee ballots on the seventh day prior to the election. Processing absentee ballots includes opening absentee ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, but under no circumstances may a vote count be accessed or released until 8 p.m. on the day of the election. All other jurisdictions shall start to process absentee ballots at 5 p.m on the day before the election.

(c) Results of any absentee ballot tabulation or count shall not be released prior to the close of the polls on the day of the election.

*(Added by Stats. 1998, c. 1073, §25.)*

#### **15151. Transmission of semifinal official results to Secretary of State.**

(a) The elections official shall transmit the semi final official results to the Secretary of State in the manner and according to the schedule pre scribed by the Secretary of State prior to each election, for the following:

(1) All candidates voted for state wide office.

(2) All candidates voted for the following offices:

(A) State Assembly.

(B) State Senate.

(C) Member of the United States House of Representatives.

(D) Member of the State Board of Equalization.

(E) Justice of the Court of Appeals.

(3) All persons voted for at the presidential primary or for electors of President and Vice President of the United States.

(4) State wide ballot measures.

(b) The elections official shall transmit the results to the Secretary of State at intervals no greater than two hours, following commencement of the semi-final official canvass.

*(Amended by Stats. 2005, c. 72, §4.)*

#### **15251. Compilation of results from precinct boards. *(for automated vote count in a precinct)***

Upon receipt of the result of votes cast from the precinct boards, the elections official shall compile and make available to the public the results so received as to the offices and measures.

*(Added by Stats. 1998, c. 1073, §27.)*

**15360. Manual tally when using a voting system.**

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 cast in 1 per cent of the precincts chosen at random by the elections official. If 1 per cent of the precincts should be less than one whole precinct, the tally shall be conducted in one precinct chosen at random by the elections official. In addition to the 1 per cent count, 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. Additional precincts for the manual tally may be selected at the discretion of the elections official.

*(Added by Stats. 1998, c. 1073, §31.)*

**15372. Certified statement of the results.**

The elections official shall prepare a certified statement of the results of the election and submit it to the governing body within 28 days of the election or, in the case of school district, community college district, county board of education, or special district elections conducted on the first Tuesday after the first Monday in November of odd-numbered years, no later than the last Monday before the last Friday of that month.

*(Added by Stats. 1998, c. 1073, §31.)*

**15373. Results shown by precinct.**

When ballots are counted under this article, the result of the vote shall be shown by precinct.

*(Added by Stats. 1998, c. 1073, §31.)*

**15374. Format of the statement of the result.**

(a) The statement of the result shall show all of the following:

- (1) The total number of ballots cast.
- (2) The number of votes cast at each precinct for each candidate and for and against each measure.
- (3) The total number of votes cast for each candidate and for and against each measure.

(b) The statement of the result shall also show the number of votes cast in each city, Assembly district, congressional district, senatorial district, State Board of Equalization district, and supervisorial district located in whole or in part in the county, for each candidate for the offices of presidential elector and all statewide offices, depending on the offices to be filled, and on each statewide ballot proposition.

*(Added by Stats. 1998, c. 1073, §31.)*

**15375. Transmit to Secretary of State copy of results.**

The elections official shall send to the Secretary of State within 35 days of the election *in the manner requested* one complete copy of all results as to all of the following: (SEE CC/ROVs)

- (a) All candidates voted for state wide office.
- (b) All candidates voted for the following offices:
  - (1) Member of the Assembly.
  - (2) Member of the Senate.
  - (3) Member of the United States House of Representatives.
  - (4) Member of the State Board of Equalization.
  - (5) Justice of the Court of Appeal.
  - (6) Judge of the superior court.
  - (7) Judge of the municipal court.
- (c) All persons voted for at the presidential primary. The results for all persons voted for at the presidential primary for delegates to national conventions shall be canvassed and shall be sent within 28 days after the election.
- (d) The vote given for persons for electors of President and Vice President of the United States. The results for presidential electors shall be endorsed "Presidential Election Returns."
- (e) All state wide measures.

*(Amended by Stats. 2005, c. 72, §5.)*

**15502. Statement of vote supplement.**

Within 120 days of the filing of the statement of the vote, the Secretary of State, upon the basis of the information provided, shall compile a supplement to the statement of the vote, showing the number of votes cast in each county, city, Assembly district, senatorial district, congressional district and supervisorial district for each candidate for the offices of presidential elector, Governor, and United States Senator,

depending on the offices to be filled, and on each statewide ballot proposition. A copy of this supplement shall be made available, upon request, to any elector of this state.

*(Added by Stats. 1994, c. 920, §2.)*

**19253. Voter verified paper audit trail use.**

(a) On a direct recording electronic voting system, the electronic record of each vote shall be considered the official record of the vote, except as provided in subdivision (b).

(b) (1) The voter verified paper audit trail shall be considered the official paper audit record and shall be used for the required 1-percent manual tally described in Section 15360 and any full recount.

(2) The voter verified paper audit trail shall govern if there is any difference between it and the electronic record during a 1-per cent manual tally or full recount.

*(Added by Stats. 2005, c. 724, §2.)*

**§19370. Procedure after close of the polls**

As soon as the polls are closed, the precinct board, in the presence of the watchers and all others lawfully present, shall immediately lock the voting machine against voting and open the counting compartments, giving full view of all counter numbers. A board member shall in the order of the offices as their titles are arranged on the machine, read and distinctly announce the name or designating number and letter on each counter for each candidate's name and the result as shown by the counter numbers. He or she shall also in the same manner announce the vote on each measure.

If the machine is provided with a recording device, in lieu of opening the counter compartment the precinct board shall proceed to operate the mechanism to *produce the statement of return of votes cast record in a minimum of three copies, remove the irregular ballot, if any, record on the statement of return of votes cast record. The irregular ballot shall, be attached to the statement of result record of votes cast for the machine and become a part thereof. One copy of the statement of return of votes cast for each machine shall be posted upon the outside wall of the precinct for all to see. The statement of return of votes cast for each machine for the precinct shall constitute the precinct statement of result of votes cast.*

*(Added by Stats. 1994, c. 920, §2.)*

**§19384. Post the results of votes cast**

The precinct board shall, before it adjourns, post conspicuously on the outside of the polling place a copy of the result of the votes cast at the polling place. The copy of the result shall be signed by the members of the precinct board.

If the machine is provided with a recording device, the statement of result of vote's cast produced by operating its mechanism may be considered the "result of the votes cast" at the polling place.

*(Added by Stats. 1994, c. 920, §2.)*