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AB-363 Closing of the polls. (2015-2016)

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Assembly Bill No. 363

CHAPTER 725

An act to amend Sections 14405, 14420, and 14421 of, and to add Section 14422 to, the Elections Code, relating to elections.

[Approved by Governor October 10, 2015. Filed with Secretary of State October 10, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 363, Steinorth. Closing of the polls.

Existing law requires a precinct board to account for ballots at the closing of the polls.

This bill would authorize a county elections official to account for ballots at the central counting place.

Existing law prescribes the procedures for a precinct board to follow as soon as the polls close, including removing the voted ballots from the ballot container, sealing the ballots, and delivering the ballots to the receiving centers or central counting places.

This bill would authorize a county elections official to direct the precinct board to seal the ballots and to record certain information prior to the closing of the polls. The bill would also authorize the county elections official to direct other elections officials to remove the sealed ballots prior to the closing of the polls and to deliver them to a receiving center or central counting place. The bill would require the county elections official, at least 48 hours before an election, to notify the public of the dates, times, and places to which ballot containers will be delivered. The bill would also require the Secretary of State to adopt regulations addressing the secure delivery and transfer of ballots to a receiving center or central counting place.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 14405 of the Elections Code is amended to read:

14405. (a) The members of the precinct board shall account for the ballots delivered to them by returning a sufficient number of unused ballots to make up, when added to the number of official ballots cast and the number of spoiled and canceled ballots returned, the number of ballots given to them. The accounting of ballots may either:

- (1) Take place at the polling place.
- (2) Be performed by the elections official at the central counting place.

(b) The precinct board shall complete the roster as required in Section 14107, and shall also complete and sign the certificate of performance prescribed in Section 15280, if that section applies.

SEC. 2. Section 14420 of the Elections Code is amended to read:

14420. (a) Except as provided in subdivision (c), before or as soon as the polls are closed, the precinct board shall remove the voted ballots from the ballot container and take them out of the secrecy envelopes or detach them from the secrecy stubs. Where the envelope or stub is also the write-in ballot, and a write-in vote has been registered thereon, the ballot card shall not be separated from the envelope or stub. If two or more separate ballot cards have been used in the election, the precinct board shall sort them into groups, each of which shall contain the same series of ballot cards.

(b) After completing the action described in subdivision (a), the precinct board shall count the number of ballot cards in each group, and certify the number of ballots cast on the voting roster as provided by Section 14107. If there is any discrepancy between the number of voters listed in the roster and the number of ballots voted, this fact shall be noted with an explanation of the difference and signed by all the members of the precinct board.

(c) Before or at the close of the polls, the county elections official may direct the precinct board to seal the ballot container and record on forms provided by the elections official the information needed for the reconciliation of ballots required by Section 14405.

SEC. 3. Section 14421 of the Elections Code is amended to read:

14421. Unless the county elections official has directed the precinct board to seal the ballot container and record information pursuant to subdivision (c) of Section 14420, the precinct board shall group voted ballot cards and voted separate write-in ballots, as directed by the elections official, and place them in containers. The board shall also place spoiled and void ballots, if any, in containers as directed by the elections official. All of these ballots, along with the containers for voted ballot cards, shall be placed in one or more boxes, which shall then be sealed and delivered as soon as possible to the receiving centers or central counting places with the unused ballots, supplies, and other materials as directed by the elections official.

SEC. 4. Section 14422 is added to the Elections Code, to read:

14422. (a) (1) Notwithstanding any other provision of law, the county elections official may direct a precinct board to seal the ballot container prior to the closing of the polls, in accordance with the procedures set forth in Sections 14420 and 14421.

(2) Notwithstanding Section 14215, as soon as the container is sealed, the county elections official may direct at least two elections officials to remove the sealed ballot container of voted untallied ballots from the polling place and the presence of any bystanders and to deliver the container to a receiving center or central counting place as directed.

(3) At least 48 hours in advance of an election, the elections official shall notify the public of the dates, times, and places at which ballot containers will be delivered pursuant to this subdivision.

(b) Upon receipt of a container at a receiving center or central counting place pursuant to subdivision (a), the county elections official may process the voted untallied ballots, but shall not tally the ballots or release any results prior to the closing of the polls.

(c) The Secretary of State shall adopt regulations addressing the secure delivery and transfer of ballots to a receiving center or central counting place pursuant to this section.

(d) This section shall not be construed as relieving a precinct board of its responsibility to account for ballots pursuant to Section 14405.