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AB-2540 State facilities and public buildings: vote centers and polling places. (2017-2018)

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Assembly Bill No. 2540

CHAPTER 343

An act to amend Sections 12283 and 12284 of the Elections Code, relating to elections.

[Approved by Governor September 11, 2018. Filed with Secretary of State September 11, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2540, Mullin. State facilities and public buildings: vote centers and polling places.

Existing law, the California Voter's Choice Act, authorizes certain counties to conduct any election, after a specified date, as an all-mailed ballot election if certain conditions are satisfied, including conditions related to ballot dropoff locations, vote centers, and plans for the administration of all-mailed ballot elections.

Existing law requires, with certain exceptions, that state-owned buildings, parking lots, and other facilities be made available free of charge for use as polling places.

This bill would extend this requirement to vote centers.

Existing law authorizes the governing body with jurisdiction over school buildings or other public buildings to allow its buildings to be used for polling places on any election day, or to store voting machines and other vote-tabulating devices.

This bill would authorize school buildings or other public buildings to also be used as vote centers beginning up to ten days before the election and continuing through election day. The bill would require an elections official requesting the use of a public building to include a list of the buildings from which the use of a building for polling places or vote centers is needed, and would require that request to be made sufficiently before election day for the governing body to adequately plan for the public building's use as a polling place or vote center. The bill would define "public building" as a building owned or controlled by a city, county, or other local governmental agency.

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

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

SECTION 1. Section 12283 of the Elections Code is amended to read:

12283. (a) For purposes of this section, "public building" means a building owned or controlled by a city, county, or other local governmental agency.

(b) The governing body having jurisdiction over school buildings or other public buildings may authorize the use of its buildings for polling places, or for vote centers, as described in Section 4005, beginning up to ten days before the election and continuing through election day, and it may also authorize the use of its buildings, without cost, for the storage of voting machines and other

vote-tabulating devices. However, if a city or county elections official specifically requests the use of a school building or public building for polling places, or vote centers beginning up to ten days before the election and continuing through election day, as well as during key dates necessary for drop-off, set-up, and pick-up of election materials, as determined by the elections official, the governing body having jurisdiction over the particular school building or public building shall allow its use for the purpose requested. When allowing use of a school building for polling places or vote centers, the governing body may, but is not required to, do any of the following:

(1) Continue school in session, if the governing body identifies to the elections official making the request the specific areas of the school buildings not occupied by school activities that will be allowed for use as polling places or vote centers.

(2) Designate the day for staff training and development.

(3) Close the school to students and certificated employees.

(c) (1) An elections official requesting the use of a school building pursuant to subdivision (b) shall include in his or her request a list of the schools from which the use of a building for polling places or vote centers is needed. Requests must be made within sufficient time in advance of the school year for the governing body to determine, on a school-by-school or districtwide basis, whether to keep the affected schools in session, designate the schoolday for staff training and development, or close the school to students and nonclassified employees before school calendars are printed and distributed to parents.

(2) An elections official requesting the use of a public building pursuant to subdivision (b) shall include in his or her request a list of the buildings from which the use of a building for polling places or vote centers is needed. Requests shall be made sufficiently before election day for the governing body of the city, county, or other local governmental agency to adequately plan for the public building's use as a polling place or vote center.

(d) Once a governing body has approved the use of a school building or public building as a polling place or vote center, the governing body shall instruct the school district or other public administrator to provide the elections official a site with an adequate amount of space that will allow the precinct board or vote center to perform its duties in a manner that will not impede, interfere, or interrupt the normal process of voting and to make Internet access available for use by local elections officials, if requested. Beginning ten days before the election and continuing through election day, if requested by the elections official, the district administrator shall make building parking available at no charge to the precinct or vote center board and voters.

(e) A public building, including, but not limited to, a building operated by a school district, that is used as a polling place or vote center shall comply with applicable accessibility requirements described in this article, the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

SEC. 2. Section 12284 of the Elections Code is amended to read:

12284. Upon request of the elections official, state-owned buildings, parking lots, and other facilities shall be made available free of charge for use as polling places and vote centers, except that the Department of General Services may exclude from use as polling places or vote centers state facilities at which access to confidential materials cannot be reasonably safeguarded, which are inaccessible to the public, the use of which would disrupt state business, or which are otherwise impractical for use as polling places.