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**SB-485 Elections: election worker protections.** (2023-2024)

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**Senate Bill No. 485**

**CHAPTER 611**

An act to amend Sections 18502 and 18540 of the Elections Code, relating to elections.

[ Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 485, Becker. Elections: election worker protections.

Existing law makes interfering in any manner with the officers holding an election or conducting a canvass or with a voter lawfully exercising their right of voting at an election, in order to prevent the election or canvass from being fairly held and lawfully conducted, a crime punishable by imprisonment for 16 months or 2 or 3 years.

This bill would specify that for purposes of this crime, "officers holding an election or conducting a canvass" include, but are not limited to, the Secretary of State and their staff, in their performance of any of their duties related to administering the provisions of the Elections Code, an elections official and their staff, including temporary workers and poll workers, or a member of a precinct board, in their performance of any duty related to holding an election or conducting a canvass in order to prevent the election or canvass from being fairly held and lawfully conducted. The bill would clarify that "holding an election or conducting a canvass" for purposes of this crime includes the election observation process.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

**SECTION 1.** Section 18502 of the Elections Code is amended to read:

**18502.** (a) Any person who in any manner interferes with the officers holding an election or conducting a canvass, as to prevent the election or canvass from being fairly held and lawfully conducted, or with the voters lawfully exercising their rights of voting at an election, is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

(b) For purposes of this section, "officers holding an election or conducting a canvass" include, but are not limited to, the Secretary of State as the chief elections officer, and their staff, as it relates to performance of any of their duties related to

administering the provisions of the Elections Code, and elections officials and their staff, including temporary workers and poll workers, and members of a precinct board, in their performance of any duty related to assisting with holding an election or conducting a canvass.

(c) For purposes of this section, "holding an election or conducting a canvass" includes, but is not limited to, the election observation process governed by the Elections Code and applicable regulations adopted by the Secretary of State.

(d) For purposes of this section, "voting at an election" includes, but is not limited to, voting in person at a polling place or at the office of the elections official, including satellite locations pursuant to Section 3018, and voting by mail and returning a voted ballot pursuant to subdivision (a) of Section 3017.

**SEC. 2.** Section 18540 of the Elections Code is amended to read:

**18540.** (a) Every person who makes use of or threatens to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

(b) Every person who hires or arranges for any other person to make use of or threaten to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 16 months or two or three years.

(c) For purposes of this section, "voting at any election" includes, but is not limited to, voting in person at a polling place or at the office of the elections official, including satellite locations pursuant to Section 3018, and voting by mail and returning a voted ballot pursuant to subdivision (a) of Section 3017.

**SEC. 3.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.