

# Election Statute Navigator: California

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of October 19, 2020. Please contact [elect@wm.edu](mailto:elect@wm.edu) with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchmark.org/california/covid/#tracker>.

## *Voter Registration*

- Voter permitted to register up to and including Election Day (aka Same Day Registration) **§ 2170**
- Voters (other than above) register prior to Election Day **§ 2170**
  - Deadlines: Fifteen days before an election; Same-day registration is permitted 14 days before an election and on Election Day.
- Online registration available **§ 2196**
- Registration via mail available **§ 2102**
- Automatic Voter Registration
  - Participating Agencies: Department of Motor Vehicles
- Preregistration allowed **§ 2102(d)**
  - A person who is at least 16 years of age and otherwise meets all eligibility requirements to vote may submit his or her affidavit of registration as prescribed by this section. A properly executed affidavit of registration made pursuant to this subdivision shall be deemed effective as of the date the affiant will be 18 years of age, if the information in the affidavit of registration is still current at that time. If the information provided by the affiant in the affidavit of registration is not current at the time that the affidavit of registration would otherwise become effective, for his or her registration to become effective, the affiant shall provide the current information to the proper county elections official as prescribed by this chapter.
- Residency requirement **§ 2101**
  - A resident of California
- Prior conviction eligibility **§ 2101**
- Voters judged mentally incompetent or under guardianship for a mental disability cannot vote **§ 2208**



## *State Absentee, Early, and Mail Voting*

- Early voting allowed **§ 3001**
  - 29 days before election until day of election
    - Counties are authorized to open before the 3rd day prior to election **§ 1601**.
    - Election officials may establish consolidated precinct boards within physical polling places **§ 1602**.
    - Counties with consolidated polling places must meet ballot drop-off location requirements **§ 1602**.
- No-excuse absentee voting **§ 3003**
- Absentee ballot application is verified **§ 3009**
- Permanent absentee voting options **§ 3200**
  - Any voter
- Removal from permanent absentee list **§ 3206**
  - If the voter fails to return an executed vote by mail ballot in four consecutive statewide general elections, the voter's name shall be deleted from the list.
- Absentee ballot verification details **§ 3019**
  - Upon receipt of a vote-by-mail ballot, the elections official compares the signature on the identification envelope with either of the following to determine if the signatures compare: (1) The signature appearing on the voter's affidavit of registration or any previous affidavit of registration of the voter. (2) The signature appearing on a form issued by an elections official that contains the voter's signature and that is part of the voter's registration record. If upon conducting the comparison of signatures pursuant to subdivision (a) the elections official determines that the signatures do not compare, the identification envelope shall not be opened and the ballot shall not be counted. The cause of the rejection shall be written on the face of the identification envelope. Voters are given the opportunity to verify their signatures before the election is certified for their ballots to be counted.
- State allows voters to correct signature discrepancies **§ 3019**
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter **§ 3017**
- Deadline by which election official must receive absentee/mailed ballots **§ 3020**
  - Election Day (before polls close) or three days after the election if postmarked on or before Election Day.



- State accepts postmarked ballots that arrive after election day **§ 3020**
- Absentee/Mail ballot processing and counting procedures **§ 15101**

### *In-Person Voter ID*

- No document required to vote

### *Provisional Voting*

- Provisional ballot availability **§ 14310**
  - A voter claiming to be properly registered, but whose qualification or entitlement to vote cannot be immediately established upon examination of the roster for the precinct or upon examination of the records on file with the county elections official, shall be entitled to vote a provisional ballot
- Time allotted to determine the status of provisional ballot **§ 14310**
  - The canvass shall commence no later than the Thursday following the election, shall be open to the public, and, for state or statewide elections, shall result in a report of results to the Secretary of State. The canvass shall be continued daily, Saturdays, Sundays, and holidays excepted, for not less than six hours each day until completed.

### *Polling Place*

- Electioneering or campaigning must not be closer than 100 feet to the entrance of the polling place **§ 18370**
- Firearms prohibitions in election code (other state laws may apply) **§ 18544**
- Photography restrictions **§ 18541**

### *State Emergency Rules and How Elections are Affected*

- Secretary of State has authority to set rules and procedures (after declaring “election emergency”) **§ 19104(a)(1)**
- Listed triggers for Emergency Rules **§ 19104**
  - natural disaster or other state of emergency
- Explicit remedies in election statute **§ 15213; § 19005**



## *Counting Rules*

- Voting system requirements **§ 19101**
- Counting procedures **§ 19380**

## *Contest/Protest, Recount Rules*

- Challenging a voter **§ 14240**
- Contest/Protest recount **§ 15645**
  - Triggers: Governor can order a state-funded manual recount of all votes cast if official results in a statewide general election show that the two candidates for a statewide office getting the highest number of votes are only separated by less than or equal to the lesser of 1,000 votes or 0.00015 of the number of all votes cast for that office.

