

AMENDED IN ASSEMBLY MAY 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 363

Introduced by Assembly Member Steinorth
(Coauthors: Assembly Members Brown, Mayes, and Obernolte)

February 17, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 363, as amended, 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. This 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.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

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

3 14405. (a) The members of the precinct board shall account
 4 for the ballots delivered to them by returning a sufficient number
 5 of unused ballots to make up, when added to the number of official
 6 ballots cast and the number of spoiled and canceled ballots
 7 returned, the number of ballots given to them. The accounting of
 8 ballots may either:

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

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

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

17 14420. (a) Except as provided in subdivision (c), ~~prior to~~
 18 ~~before~~ or as soon as the polls are closed, the precinct board shall
 19 remove the voted ballots from the ballot container and take them
 20 out of the secrecy envelopes or detach them from the secrecy stubs.
 21 Where the envelope or stub is also the write-in ballot, and a write-in
 22 vote has been registered thereon, the ballot card shall not be
 23 separated from the envelope or stub. If two or more separate ballot
 24 cards have been used in the election, the precinct board shall sort
 25 them into groups, each of which shall contain the same series of
 26 ballot cards.

27 (b) After completing the action described in subdivision (a), the
 28 precinct board shall count the number of ballot cards in each group,
 29 and certify the number of ballots cast on the voting roster as
 30 provided by Section 14105. If there is any discrepancy between
 31 the number of voters listed in the roster and the number of ballots
 32 voted, this fact shall be noted with an explanation of the difference
 33 and signed by all the members of the precinct board.

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

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

3 14421. Unless the county elections official has directed the
4 precinct board to seal the ballot container and record information
5 pursuant to subdivision (c) of Section 14420, the precinct board
6 shall group voted ballot cards and voted separate write-in ballots,
7 as directed by the elections official, and place them in containers.
8 The board shall also place spoiled and void ballots, if any, in
9 containers as directed by the elections official. All of these ballots,
10 along with the containers for voted ballot cards, shall be placed in
11 one or more boxes, which shall then be sealed and delivered as
12 soon as possible to the receiving centers or central counting places
13 with the unused ballots, supplies, and other materials as directed
14 by the elections official.

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

16 14422. (a) (1) Notwithstanding any other provision of law,
17 the county elections official may direct a precinct board to seal
18 the ballot container prior to the closing of the polls, in accordance
19 with the procedures set forth in Sections 14420 and 14421.

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

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

29 (c) This section shall not be construed as relieving a precinct
30 board of its responsibility to account for ballots pursuant to Section
31 14405.