

AMENDED IN SENATE APRIL 12, 2012

**SENATE BILL**

**No. 1346**

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**Introduced by Senator Negrete McLeod**

February 24, 2012

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An act to add *and repeal* Section 14422-~~to~~ of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1346, as amended, Negrete McLeod. Election day procedures: ballot containers.

Existing law establishes election day procedures for processing ballots following the closing of the polls. Existing law prohibits removal of a ballot container from a polling place or the presence of any persons assembled at the polling place until all the ballots are counted and prohibits the ballot container from being opened until after the polls are closed.

This bill would allow the county elections official for a county of greater than 5,000 square miles to direct that ballot containers be sealed prior to the closing of the polls in accordance with specified procedures and direct a ballot security team to remove from a polling place and the presence of any bystanders prior to the closing of the polls, *one time during specified hours on election day*, a sealed ballot container of voted untallied ballots and deliver the container to a receiving center or central counting place. *This bill would require the county elections official to identify, not less than 30 days prior to an election, each precinct from which sealed ballot containers will be removed prior to the closing of the polls and would prohibit the elections official from directing that ballot containers be removed from more than 25% of the precincts in*

*the jurisdiction prior to the closing of the polls.* This bill would allow the county elections official to process the ballots upon receipt of a container, but would prohibit the official from tallying the ballots or releasing any results prior to the closing of the polls.

*This bill would repeal these provisions on January 1, 2017, unless legislation is enacted before that date to remove or extend that deadline.*

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . 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 14422 is added to the Elections Code, to  
 2 read:  
 3 14422. (a) Notwithstanding Section 14215 or any other  
 4 provision of law, *and subject to subdivision (b)*, the county  
 5 elections official for a county of greater than 5,000 square miles  
 6 may direct a precinct board to seal ballot containers prior to the  
 7 closing of the polls, in accordance with the procedures set forth in  
 8 Sections 14420 and 14421, and may direct a ballot security team  
 9 *of two or more members* to remove from a polling place and the  
 10 presence of any bystanders prior to the closing of the polls a sealed  
 11 ballot container of voted untallied ballots and deliver the container  
 12 to a receiving center or central counting place as directed by the  
 13 county elections official.  
 14 *(b) Not less than 30 days prior to an election, the county*  
 15 *elections official shall identify each precinct from which sealed*  
 16 *ballot containers will be removed prior to the closing of the polls.*  
 17 *The elections official may not direct that ballot containers be*  
 18 *removed from more than 25 percent of the precincts in the*  
 19 *jurisdiction prior to the closing of the polls. Sealed ballot*  
 20 *containers may be removed from a polling place and the presence*  
 21 *of any bystanders pursuant to subdivision (a) only once, and the*  
 22 *removal shall occur between the hours of 11:00 a.m. and 2:00*  
 23 *p.m.*  
 24 ~~(b)~~  
 25 (c) Upon receipt of a container at a receiving center or central  
 26 counting place pursuant to subdivision (a), the county elections

1 official may process the voted untallied ballots, but shall not tally  
2 the ballots or release any results prior to the closing of the polls.

3 (e)

4 (d) This section shall not be construed to relieve a precinct board  
5 of its responsibility to account for ballots pursuant to Section  
6 14405.

7 (e) *This section shall remain in effect only until January 1, 2017,*  
8 *and as of that date is repealed, unless a later enacted statute, that*  
9 *is enacted before January 1, 2017, deletes or extends that date.*

10 SEC. 2. This act is an urgency statute necessary for the  
11 immediate preservation of the public peace, health, or safety within  
12 the meaning of Article IV of the Constitution and shall go into  
13 immediate effect. The facts constituting the necessity are:

14 In order to provide for the effective and efficient administration  
15 of elections in 2012, it is necessary that this act take effect  
16 immediately.