

AMENDED IN SENATE MAY 2, 2012
AMENDED IN SENATE APRIL 12, 2012

SENATE BILL

No. 1346

Introduced by Senator Negrete McLeod

February 24, 2012

An act to add and repeal Section 14422 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~~ *2 members of the precinct board* 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 *without delay* the container, *unopened*, to ~~a receiving center or central counting place~~ *the county elections official or to a receiving station designated by the county elections official*. This bill would require the county elections official to identify, not less than 30 days prior to an

election, each precinct *or polling place* 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%~~ 3% 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 of the precinct board~~ to remove from a
10 polling place and the presence of any bystanders prior to the closing
11 of the polls a sealed ballot container of voted untallied ballots and
12 deliver *without delay* the sealed ballot container, *unopened*, to ~~a~~
13 ~~receiving center or central counting place as directed~~ the county
14 elections official or to a receiving station designated by the county
15 elections official. *Upon receipt of a sealed ballot container*
16 *pursuant to this section, the county elections official, or his or her*
17 *designee, shall sign an acknowledgment of receipt of the sealed*
18 *ballot container.*
19 (b) Not less than 30 days prior to an election, the county
20 elections official shall identify each precinct *or polling place* from
21 which sealed ballot containers will be removed prior to the closing
22 of the polls. The elections official may not direct that ballot
23 containers be removed from more than ~~25~~ 3 percent of the precincts

1 in the jurisdiction prior to the closing of the polls. Sealed ballot
2 containers may be removed from a polling place and the presence
3 of any bystanders pursuant to subdivision (a) only once, and the
4 removal shall occur between the hours of ~~11:00 a.m.~~ and 2:00 p.m.
5 *and 4:00 p.m.*

6 (c) Upon receipt of a container at a receiving center or central
7 counting place pursuant to subdivision (a), the county elections
8 official may process the voted untallied ballots, but shall not tally
9 the ballots or release any results prior to the closing of the polls.

10 (d) (1) This section shall not be construed to relieve a precinct
11 board of its responsibility to account for ballots pursuant to Section
12 14405.

13 (2) *The members of the precinct board shall account for the*
14 *ballots delivered to them by returning a sufficient number of unused*
15 *ballots to make up, when added to the number of official ballots*
16 *cast and the number of spoiled and canceled ballots returned, the*
17 *number of ballots given to them. The officers receiving returned*
18 *ballots shall compel this accounting.*

19 (3) *The precinct board shall complete the roster as required in*
20 *Section 14107, and shall also complete and sign the certificate of*
21 *performance prescribed in Section 15280, if that section applies.*

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

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

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