
**TRINITY COUNTY GRAND JURY
2016-2017**

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TRINITY COUNTY
SUPERIOR COURT**

**FINANCIAL and ADMINSTRATIVE COMMITTEE
FINAL REPORT
FAR 2016-2017-002**

TRANSPARENCY AND ELECTIONS CODES

Approved June 19, 2017

Revised 6/23/17
Judge McHarg

TRANSPARENCY AND ELECTIONS CODES

SUMMARY

The Trinity County Grand Jury serves as a branch of the judicial system and as a watchdog of the action and performance of public officials, including elected officials, and the departments of the county government. The Grand Jury acts on the public's behalf. While comprised of ordinary citizens, the Grand Jury must be nonpartisan and remain politically neutral in its investigations. The Grand Jury is mandated to conduct civil investigations and audits of County government, to ensure efficient and proper operation of all local government, and to inquire into any charges of misconduct by public officials.

The 2016-2017 Grand Jury (GJ) recognizes that the responsibilities and difficulties of conducting an election are vast. The Secretary of State (SOS) gives the Elections Official (EO) limited discretionary power. However, that power does not overrule the election codes (EC).

There must be collaboration between the Elections Office and the public in communicating the local voting process to the citizens. This can be accomplished by adhering to election laws and through cooperation between the EO and observers who volunteer to take on the job of ensuring the election process is open and transparent.

The only right of secrecy in the voting process (as designated in the California Constitution Article II Sec.7 "Voting shall be secret.") is the right of all citizens to cast their votes privately.

The GJ reviewed and triangulated information from election-interest interviews, election codes, and observations. Even though details of the entire election process will not be included in this report, some details of the election process will be reviewed with the lens of transparency and cooperation so the reader may gain an improved understanding of the multi-faceted election process.

GLOSSARY

- GJ 2016-2017 Grand Jury
- SOS California Secretary of State
- BOS Trinity County Board of Supervisors
- C/R Trinity County Clerk/Recorder/Assessor
- EO Elections Official
- EC Elections Code

- Canvass
EC335.5 states: The "official canvass" is the public process of processing and tallying all ballots received in an election, including, but not limited to, provisional ballots and vote by mail ballots not included in the semifinal official canvass. The official canvass also includes the process of reconciling ballots, attempting to prohibit duplicate voting by vote by mail and provisional voters, and performance of the manual tally of 1 percent of all precincts. Canvassing is after the casting of ballots.

- Observer/Watcher
Merriam-Webster defines observer as “a representative sent to observe but not participate officially in an activity.”

The GJ recognizes there has been interest nationally to observe elections. Numerous groups have formed around the idea of election transparency and citizen observation of the election process as permitted by law. Several observers were present at various times during the last election and subsequent canvass.

- Challenged ballot:
Per Code of Federal Regulations: CFR 2422.24 § (b) “*Challenged ballot procedure*. An individual whose eligibility to vote is in dispute will be given the opportunity to vote a challenged ballot. If the parties and the Region are unable to resolve the challenged ballot(s) before the tally of ballots, the Region will impound and preserve the unresolved challenged ballot(s) until the Regional Director makes a determination, if necessary.”

BACKGROUND

There are several routes for a GJ investigation to begin. Whether the genesis of an investigation is from citizen complaints, a review from the previous terms’ reports, or from the interest of the Jurors themselves, the need for any given investigation of a specific topic does not always show until the work actually begins. The result of this investigation is this report –wherein this GJ found areas of the election process that were in accordance with law and some that warranted investigation.

The California Elections Code contains the list of state laws which govern our elections. It also lays out the rights and responsibilities of members of the public and the EO related to observing the election process. All election codes named herein may be found in the Appendix of this report.

Elections:

While elections are known to be a hallmark of our democracy, we don’t often recognize that the actual process of conducting an election is managed by individual counties and municipalities throughout the country. Whether the election is held to populate local, state or federal offices, the election polls are located in precincts that are based within county or municipal lines. Within the United States, a precinct is often the lowest level of governmental division. Merriam Webster defines a precinct as a “part of a territory with definite bounds or functions often established for administrative purposes...such as... a subdivision of a county, town, city, or ward for election purposes.” Governed by local, state and federal law intended to protect the basic citizen right to vote, our county plays its part in the function of democratic rule.

Elections are a complicated process involving many moving parts. For example, the transferring of voter registrations from a paper to a digital format requires not only the time necessary to scan each voter registration, but also the maintenance of those files to assure they are backed up and

stored securely. This technical ability falls on the County and those responsible for updating, maintaining and preserving voter rolls and information.

There are roughly 175,000 precincts in the country. Trinity County has 25 precincts with 8077 registered voters (<http://www.trinitycounty.org/modules/showdocument.aspx?documentid=3931>).

The Clerk/Recorder/Assessor and Elections Office:

As defined on the Trinity County Clerk/County Recorder/Assessor's website, "The Elections Office is a division of the County Clerk's Office, and is run by the County Clerk. The Elections Office performs duties as mandated by state, federal, and local laws." The county Clerk's Office also serves as the county's Election Officer. To be clear, as is the case in several small California counties, the County Clerk, Recorder, Assessor and Election Officer are positions held by one person.

The Clerk/Recorder is an elected County office. Referring to EC 307: "clerk" means the county elections official, registrar of voters, city clerk, or other officer or board charged with the duty of conducting any election.

Upon the early retirement of the C/R elected in 2006, before the full elected term was completed, the double-office position of C/R was appointed by the Board of Supervisors (BOS). This appointment was to remain as an interim appointment until the next scheduled election in 2010. The C/R elected in 2010 also retired early, thereby tasking the BOS with the appointment of yet another interim C/R. This scenario repeated itself after the 2014 election.

This report is generally focused on the Election Officer role. From the California Secretary of State Elections Officers Digest 2016-2017, "Elections Official means any of the following:

- (a) A clerk or any person who is charged with the duty of conducting an election.
- (b) A county clerk, city clerk, registrar of voters, or elections supervisor having jurisdiction over elections within any county, city, or district within the state."

Citizen Election Observation:

A citizen's right and privilege to vote may begin when the voting age of 18 is reached, but the voting process is so much more than filling in that box or punching that card. The Trinity County voter is allowed, and encouraged, to embrace the complete process. The process of election observation is referenced in the *SOS Observation Rights and Responsibilities - October 2016* and includes the right to:

- Observe pre-Election Day activities, as permitted by law, such as voting equipment preparation and testing and vote-by-mail ballot processing.
- Observe the proceedings at the polls, including the opening and closing procedures.
- Obtain information from the precinct index that is posted near the entrance of the polling place.
- Make notes and watch election procedures.
- View election-related activities at the central counting site on Election Day.
- View the canvass of the vote activities following the election.
- View vote-by-mail and provisional ballot processing.

- Ask questions of poll workers as long as they do not interfere with the conduct of any part of the voting process.
- Ask questions of supervisors at the central counting site as long as they do not interfere with the conduct of the election procedures.

METHODOLOGY

To gain knowledge of the voting process, and compile this report, the GJ reviewed:

1. CA Secretary of State Election codes. <http://leginfo.legislature.ca.gov/faces/codes.xhtml>
2. Trinity County website. www.trinitycounty.org
3. CA Secretary of State Elections Officers Digest 2016-2017
4. Trinity County Voter Rolls
5. Previous years' GJ reports
6. GJ training manuals

The GJ also interviewed the current EO, a previous EO, two citizen observers, a party observer, and a citizen involved in past County elections.

During the canvassing of signature verification, the GJ observed one hour of the process.

DISCUSSION

The founding fathers gave us, the public, a representative republic form of government. The Constitution ensures governmental limits and protects the public. Elected officials are decided by the votes of citizens. One of the most important freedoms and responsibilities of a citizen is to exercise the right to vote. By casting a vote for a candidate, the voter puts great confidence and trust in the electoral process.

- **Publications/Postings:**

The EO was noncompliant with EC 12109 regarding the public posting of the date and place of election procedures at least 10 days prior to the election.

EC 12109 states: "Whenever the ballots at any election or from any precincts are to be tallied at a central place and not at the precincts, the elections official or secretary of the jurisdiction conducting the election shall specify the public place to be used and give notice thereof as follows:

- a) By at least one publication in a newspaper of general circulation published in the jurisdiction where the election is to be held, provided that the publication is made at least 10 days before the day of the election.
- b) If a newspaper of general circulation is not published in that jurisdiction, then by prominently posting the notice in the office of the elections official for at least 10 days before the day of the election."

The EO provided the GJ with the following information regarding the posting of the required notice.

“On 10/28/2016 prior to 5 PM, the following notice was on the website:

Various election processes will begin Monday, October 31, 2016 in the Courthouse basement commencing at 9:00 a.m.

On 11/8/2016 prior to 10 AM, the following notice replaced the previous notice on the website:

Post-Election processes for the November 8, 2016 election will begin Thursday, November 10, 2016 in the Courthouse basement conference room at 10:00 am

On 11/22/2016 prior to 5 PM the following notice replaced the previous notice on the website, and was posted on the front window of the courthouse and the courthouse basement conference room door.

The Selection of Precincts, and the One Percent Manual Tally for the November 8, 2016 Election will begin on Monday 11/28/2016 at 8:30 a.m. in the Courthouse basement conference room.

Due to the required concentration needed, observers will only be admitted at 8:30 a.m. and during breaks”

GJ believes this is a code violation due to the fact that the Trinity Journal is a newspaper of general circulation and the EO did not publish a notice of the date and public place to be used for election procedures at least 10 days prior to the election.

- **Observers on Election Day:**

Per EC 15004, observers on Election Day may include representatives of qualified political parties and bona fide association of citizens or media in attendance at any or all phases of the election. The process observed may include review of the preparation and operation of the tabulating devices, their programming and testing, and have the representatives in attendance at any or all phases of the election. During the process of the November 8, 2016 General Election proceedings at the Weaverville Veteran’s Hall election polls, observers were relegated to a designated viewing area that had been taped on the floor in the Veteran’s hall.

EC 14221 states:

Only voters engaged in receiving, preparing, or depositing their ballots and persons authorized by the precinct board to keep order and enforce the law may be permitted to be within the voting booth area before the closing of the polls.

In May 2016, the Secretary of State of California, Alex Padilla, issued a Memorandum #16140 to all county clerks/registrars of voters regarding the

Presidential Primary: Elections Observation Rights and Responsibilities that Election Officials had the right to:

...use discretion in determining a sufficiently close distance for observers to stand from the process they want to observe.

It is evident that the EO must balance the desire and right of citizens to observe the election process, for whatever reason, with the individual voters' right to be unfettered in the exercise of their constitutional (state and federal) right to vote. It is critical that the EO protects the voter's right clearly defined in EC 2300(a)(4) which states that: "You have the right to cast a secret ballot free from intimidation." The EO consulted with the County Counsel to make the decision to designate a viewing area within the Weaverville Veteran's Hall polling place per EC 14221.

- Canvass:
The election canvassing process continues for several days beyond Election Day.
Per EC 335.5:

The official canvass is the public process of processing and tallying all ballots received in an election, including, but not limited to, provisional ballots and vote by mail ballots not included in the semifinal official canvass. The official canvass also includes the process of reconciling ballots, attempting to prohibit duplicate voting by vote by mail and provisional voters, and performance of the manual tally of 1 percent of all precincts.

During the official canvass, some votes may be challenged for a variety of reasons. This is true of vote by mail ballots, provisional ballots and traditional ballots. The SOS Elections Officers Digest 2016-2017 defines Conditions for Challenge as follows:

A person offering to vote may be orally challenged within the polling place only by a member of the precinct board upon any or all of the following grounds: (1) the voter is not the person whose name appears on the index; (2) the voter is not a resident of the precinct; (3) the voter is not a citizen of the United States; (4) the voter has voted that day; or (5) the voter is presently on parole for the conviction of a felony. (§ 14240(a).)

Upon deciding to challenge a ballot, the EO notified the voter, based on the registered voters current contact information, of the opportunity to recast a vote. In the November 2016 general election, 35 votes were challenged. Of those 35 votes challenged, the following 34 were challenged because: 4 were challenged because the voter was not registered, 1 because there was no signature, 1 was deceased, 11 were returned after the deadline, and 17 signatures did not match the voter registration records.

Voter rolls are continually updated as new voters register and as new information is made available to the C/R office. Voter status is made available from a number of different sources and includes the removal of deceased voters.

The EO has digitized voter registration signatures to facilitate and expedite the comparison of voter registration and signed ballots. This is one check employed by the EO to determine whether a ballot should be challenged.

Observation of the Canvass:

EC 15104 reads: "...notwithstanding paragraph 2 subdivision (b) of section 2194, vote by mail voter observers shall be allowed sufficiently close access to enable them to observe the vote by mail ballot return envelopes and the signatures thereon and challenged those individuals handling mail ballots are following established procedures, including all of the following:

- 1) Verifying signatures and addresses on the vote by mail ballot return envelopes by comparing to the voter registration information.
- 2) Duplicating accurately damaged or defective ballots.
- 3) Securing vote by mail ballots to prevent tampering with them before they are counted on Election Day."

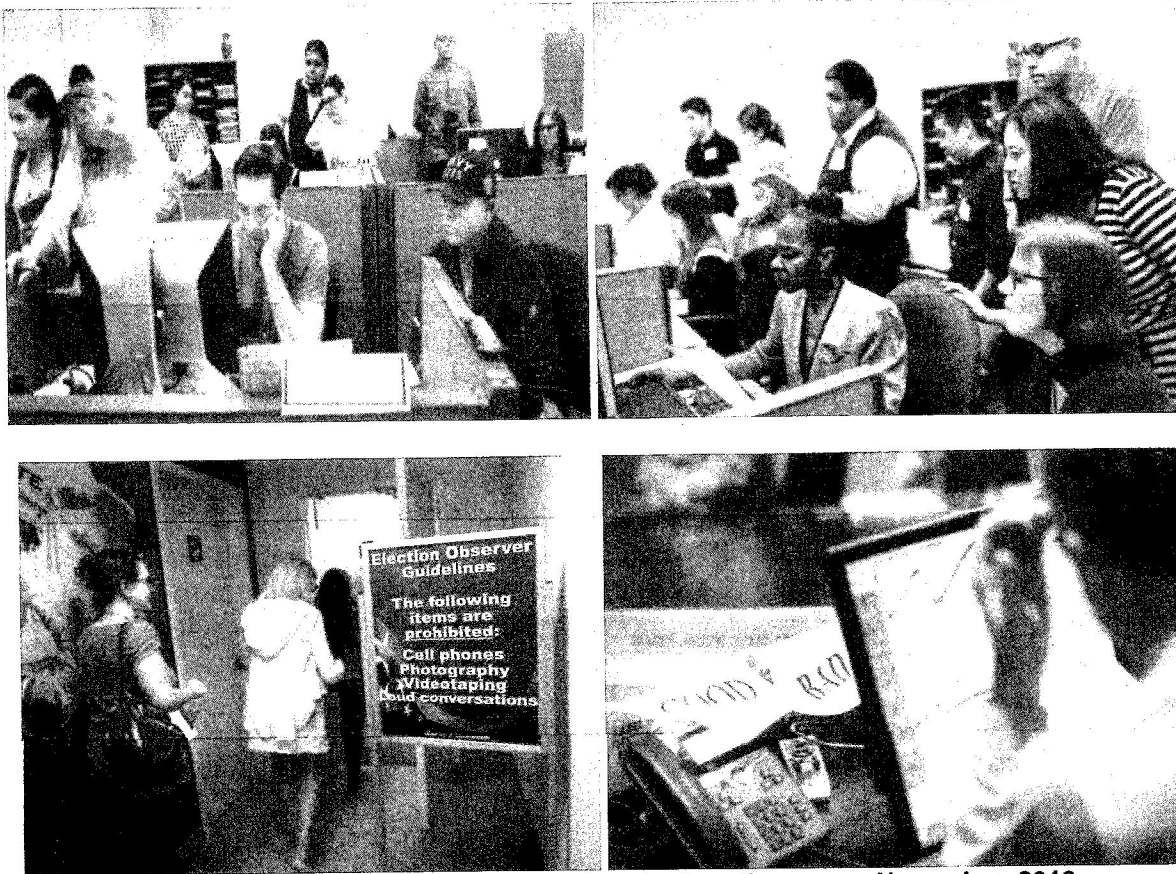
The EO has the right to:

- 1) Use discretion in determining a sufficiently close distance for observers to stand from the process they want to observe.
- 2) Require observers to be quiet inside the observation area.
- 3) Use discretion to determine how (e.g., written or verbal) and to whom observers may pose questions and challenges during the observation process.
- 4) Ask an observer who does not follow observation rules to leave the premises.
- 5) Restrict the number of observers permitted in a room to prevent interference with the observed process.
- 6) Restrict the items observers may bring with them into the polling place or central counting site, such as cell phones, large bags, or back packs, etc.

The following photos show how this is done in other counties.



Sacramento County Observers Viewing the Canvassing Signatures.



(For reference only) Orange County Senate Race Canvass – November, 2016

Photo courtesy of Ana Venegas, Orange County Register.

<http://www.ocregister.com/2016/11/17/gop-could-block-democratic-supermajority-thanks-to-an-orange-county-senate-race-and-59-million/>

Two GJ members, a BOS member and three observers were present when the canvass of voter registration lists, vote by mail ballots, and counting began at the counting place (Trinity County Courthouse basement). The GJ members were present for one hour of observation. The GJ members and observers were instructed to stay in an area cordoned off with a waist high rope, approximately 15 ft. from the actual handling of the vote by mail ballots.

During the one hour the GJ witnessed the official canvass that also included provisional ballots and challenged ballots, observers were unable to verify signatures and addresses on the vote by mail ballot return envelopes by comparing to the voter registration information. As witnessed by members of the GJ, the 2016 election canvass proceedings at the central counting place were not open to the clear view of the public. The GJ members noted that viewing the digitized signatures was hindered because the computer monitor was turned away from the observers. Other equipment present at the canvass further obstructed the observers' view. The GJ members did not ask for special consideration to pass through the observation area to view the signatures directly.

- Ballot Storage

The EO is required to store ballots after each election in a sealed container that cannot be opened unless there is a legal challenge. For state or local elections, the EO is required to keep the ballots for 6 months. However, for Federal elections, such as the last presidential election of 2016, the EO is required to store the ballots for 22 months to ensure their availability in the event of a contest to the election based on criminal prosecution involving fraudulent use, marking, or falsification of ballots, or forgery of vote by mail voters' signatures – per EC 17303.

The GJ requested to view the boxes of ballots from the recent Presidential federal election of November 8, 2016 to ensure they are kept in the secure storage location in accordance with EC 1.1.1.1 Division 17 Retention and Preservation of Election Records [17000-17506]. That request was not initially granted and GJ did not pursue its right to view the ballot storage location. However, in two interviews, the EO informed the GJ that the Courthouse employees had keys to this storage location.

The GJ could not find an Elections Code relating to the accessibility of the securely stored ballots from November 8, 2016, but common sense would prevail that “secure storage” is defined as limited access to the storage location. This could either take the form of an access log or restrictions on key availability only to those who have been cleared have access to the stored ballots.

The GJ acknowledges that there is a unique bifurcation of responsibilities regarding the Courthouse, with the County owning the building and the Courts being responsible for security.

The difficulties presented while attempting to adhere to laws that don't always allow for the unique complications associated with small communities like Trinity County can be frustrating. These difficulties cannot be used as reasons for noncompliance, but instead as opportunities for Trinitarians to show their ingenuity.

As voters, we will help decide who will lead us. We make our voice heard on important issues that affect the future of our county, state and nation. Every time we use our precious right to vote, our democracy grows stronger.

FINDINGS AND RECOMMENDATIONS

F1. Visual access at the Canvass was hindered for observers although direct access was not requested by the GJ at the time of its observation.

R1. Adhere to the Election Codes concerning observers.

R2. The computer screens used for the signature validation shall be placed closer to the observers' relegated viewing area, enabling them to see the signatures clearly as stated in EC 15272.

F2. The EO designated a viewing area at the Weaverville Veteran's Hall polling place wherein observers could view the election process but not interfere with voters' rights to secrecy.

R3. The EO must continue to balance the rights of individual voters and observers to assure that the election process is transparent and all voter/citizen rights are upheld.

F3. EC 12109 was not adhered to by the EO. Whenever the ballots at any election or from any precincts are to be tallied at a central place and not at the precincts, the elections official or secretary of the jurisdiction conducting the election shall specify the public place to be used and give notice thereof as EC 12109 dictates.

R4. Place a public notification of Precanvass, Election Day, and Canvass procedures in a newspaper of general circulation published in Trinity County at least 10 days before the day of the election.

R5. Place a public notification of Precanvass, Election Day, and Canvass procedures at least 10 days before the day of the election in the glass enclosed bulletin board on the wall near the Court House main entrance.

R6. Place a public notification of Precanvass, Election Day, and Canvass procedures at least 10 days before the day of the election to www.trinitycounty.org website.

R7. Utilize the SOS's suggested Election Observer Panel Plan available at <http://www.sos.ca.gov/elections/voting-systems/oversight/county-election-observer-panel-plans/>

F4. Trinity County employees working at the Court House have access to voter information kept in the secure storage area.

R8. Perform inventory of all keys distributed to Court House employees.

R9. Distribute keys as necessary for County and Court employees to perform their duties.

R10. Designate separate secure storage locations in the Courthouse for each County department use that is also separate from Court use.

REQUEST FOR RESPONSES

Pursuant to Penal Code section 933.05, the Grand Jury requests responses as follows:

From the following governing bodies:

- Board of Supervisors: All Findings and Recommendations
- Clerk/Recorder-(Elections): All Findings and Recommendations

APPENDIX

List of Election Codes Referenced in Report:

EC 307
EC 335.5
EC 2194(b)
EC 2300
EC 12109
EC 14221
EC 14240 (a) (b) (c)
EC 15000-15003
EC 15004(a) (b) (c)
EC 15104
EC 15272
EC 17303 (a) (b) (c) (d)
EC 17504 (a) (b)

State of California Election Code Excerpts (2017)

(Excerpts taken from: leginfo.legislature.ca.gov/faces/codes.xhtml)

§ 307. “Clerk” means the county elections official, registrar of voters, city clerk, or other officer or board charged with the duty of conducting any election.

§ 335.5. The “official canvass” is the public process of processing and tallying all ballots received in an election, including, but not limited to, provisional ballots and vote by mail ballots not included in the semifinal official canvass. The official canvass also includes the process of reconciling ballots, attempting to prohibit duplicate voting by vote by mail and provisional voters, and performance of the manual tally of 1 percent of all precincts.

§ 354. “shall” is mandatory and “may” is permissive.

§ 359. “Voter” means any elector who is registered under this code.

§ 2194(b). (b) (1) Notwithstanding any other law, the California driver’s license number, the California identification card number, the social security number, and any other unique identifier used by the State of California for purposes of voter identification shown on the affidavit of voter registration of a registered voter, or added to voter registration records to comply with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), are confidential and shall not be disclosed to any person.

(2) Notwithstanding any other law, the signature of the voter shown on the affidavit of voter registration or an image thereof is confidential and shall not be disclosed to any person, except as provided in subdivision (c).

§ 2300. (a) All voters, pursuant to the California Constitution and this code, shall be citizens of the United States. There shall be a Voter Bill of Rights for voters, available to the public, which shall convey all of the following to voters:

(1) (A) You have the right to cast a ballot if you are a valid registered voter.

(B) A valid registered voter means a United States citizen who is a resident in this state, who is at least 18 years of age and not in prison or on parole for conviction of a felony, and who is registered to vote at his or her current residence address.

- (2) You have the right to cast a provisional ballot if your name is not listed on the voting rolls.
- (3) You have the right to cast a ballot if you are present and in line at the polling place before the close of the polls.
- (4) You have the right to cast a secret ballot free from intimidation.
- (5) (A) You have the right to receive a new ballot if, before casting your ballot, you believe you made a mistake.
- (B) If at any time before you finally cast your ballot, you feel you have made a mistake, you have the right to exchange the spoiled ballot for a new ballot. Vote by mail voters may also request and receive a new ballot if they return their spoiled ballot to an elections official before the closing of the polls on election day.
- (6) You have the right to receive assistance in casting your ballot, if you are unable to vote without assistance.
- (7) You have the right to return a completed vote by mail ballot to any precinct in the county.
- (8) You have the right to election materials in another language, if there are sufficient residents in your precinct to warrant production.
- (9) (A) You have the right to ask questions about election procedures and observe the election process.
- (B) You have the right to ask questions of the precinct board and elections officials regarding election procedures and to receive an answer or be directed to the appropriate official for an answer. However, if persistent questioning disrupts the execution of their duties, the precinct board or elections officials may discontinue responding to questions.
- (10) You have the right to report any illegal or fraudulent activity to a local elections official or to the Secretary of State's office.
- (b) Beneath the Voter Bill of Rights there shall be listed a toll-free telephone number to call if a person has been denied a voting right or to report election fraud or misconduct.
- (c) The Secretary of State may do both of the following:
 - (1) Develop regulations to implement and clarify the Voter Bill of Rights set forth in subdivision (a).
 - (2) Revise the wording of the Voter Bill of Rights as necessary to ensure the use of clear and concise language free from technical terms.
- (d) The Voter Bill of Rights set forth in subdivisions (a) and (b) shall be made available to the public before each election and on election day, at a minimum, as follows:
 - (1) The Voter Bill of Rights shall be printed in the state voter information guide, pursuant to Section 9084, in a minimum of 12-point type. Subparagraph (B) of paragraph (1) of subdivision (a), subparagraph (B) of paragraph (5) of subdivision (a), and subparagraph (B) of paragraph (9) of subdivision (a) may be printed in a smaller point type than the rest of the Voter Bill of Rights.
 - (2) Posters or other printed materials containing the Voter Bill of Rights shall be included in precinct supplies pursuant to Section 14105.

§ 12109. Whenever the ballots at any election or from any precincts are to be tallied at a central place and not at the precincts, the elections official or secretary of the jurisdiction conducting the election shall specify the public place to be used and give notice thereof as follows:

- (a) By at least one publication in a newspaper of general circulation published in the jurisdiction where the election is to be held, provided that the publication is made at least 10 days before the day of the election.
- (b) If a newspaper of general circulation is not published in that jurisdiction, then by prominently posting the notice in the office of the elections official for at least 10 days before the day of the election.

§ 14221. Only voters engaged in receiving, preparing, or depositing their ballots and persons authorized by the precinct board to keep order and enforce the law may be permitted to be within the voting booth area before the closing of the polls.

§ 14240. (a) A person offering to vote may be orally challenged within the polling place only by a member of the precinct board upon any or all of the following grounds:

- (1) That the voter is not the person whose name appears on the index.
- (2) That the voter is not a resident of the precinct.
- (3) That the voter is not a citizen of the United States.
- (4) That the voter has voted that day.
- (5) That the voter is presently on parole for the conviction of a felony.

(b) On the day of the election no person, other than a member of a precinct board or other official responsible for the conduct of the election, shall challenge or question any voter concerning the voter's qualifications to vote.

(c) If any member of a precinct board receives, by mail or otherwise, any document or list concerning the residence or other voting qualifications of any person or persons, with the express or implied suggestion, request, or demand that the person or persons be challenged, the board member shall first determine whether the document or list contains or is accompanied by evidence constituting probable cause to justify or substantiate a challenge. In any case, before making any use whatever of such a list or document, the member of the precinct board shall immediately contact the elections official, charged with the duty of conducting the election, and describe the contents of the document or list and the evidence, if any, received bearing on voting qualifications. The elections official shall advise the members of the precinct board as to the sufficiency of probable cause for instituting and substantiating the challenge and as to the law as herein provided, relating to hearings and procedures for challenges by members of the precinct board and determination thereof by a precinct board. The elections official may, if necessary, designate a deputy to receive and answer inquiries from precinct board members as herein provided.

§ 14277. The voter shall hand the folded ballot or the envelope containing the ballot to a precinct board member, who shall remove the ballot stub, hand it to the voter, and deposit the ballot in the ballot container. If the ballot is to be transferred from the envelope to the ballot container, care shall be taken not to disclose the markings of the voter on the ballot.

§ 14293. Having folded the ballot, the voter shall deliver it folded to a member of the precinct board, who shall then separate the slip containing the number from the ballot, hand the slip to the voter, and deposit the ballot in the ballot box in the presence of the voter.

§ 14434. The sealed packages containing the lists, papers, and ballots shall be delivered by two precinct board members without delay, unopened, to the elections official or to a receiving station designated by the elections official.

§ 15000. No later than seven days prior to any election conducted pursuant to this code, the elections official shall conduct a test or series of tests to ensure that every device used to tabulate ballots accurately records each vote. The exact methods employed in this test shall conform to the voting procedures for the specific voting systems, as adopted by the Secretary of State.

§ 15001. (a) A copy of each election computer vote count program for a statewide election or state special election to fill vacancies shall be deposited with the Secretary of State. The copy of the election computer

vote count program shall be received by the Secretary of State no later than 5 p.m. on the seventh day before the election.

(b) If the election computer vote count program is modified or altered after the submission specified in subdivision (a), the elections official immediately shall deposit the subsequent program no later than 12 p.m. on the day of the election.

(c) The Secretary of State shall hold the deposited programs for a period of not less than six months, at which time the program shall be returned to the elections official.

(1) The elections official shall preserve the returned program for a period of 16 months.

(2) The programs deposited in accordance with this section shall be used only for a recanvass of the vote, an official recount, court action, or for logic and accuracy tests required by the Secretary of State.

(3) Any tape, diskette, cartridge, or other magnetic or electronic storage medium containing the vote count program submitted pursuant to this section shall be maintained by the Secretary of State in a secure location when not in use for an official purpose specified in paragraph (2).

(d) The Secretary of State may, by mandamus or other appropriate proceeding, require and compel the county elections officials to submit the computer vote count program specified in subdivision (a). Venue for a proceeding under this section shall be exclusively in Sacramento County.

§ 15002. No later than January 1 of each even-numbered year, the Secretary of State shall review, and if necessary amend, administrative procedures for use with each of the voting systems pursuant to Division 19.

§ 15003. Elections officials shall adopt semifinal official and official canvass procedures to conform to the applicable voting system procedures that have been approved by the Secretary of State. These procedures shall be available for public inspection no later than 29 days before each election.

§ 15004. (a) Each qualified political party may employ, and may have present at the central counting place or places, not more than two representatives to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the representatives in attendance at any or all phases of the election.

(b) Any bona fide association of citizens or a media organization may employ, and may have present at the central counting place or places, not more than two representatives to check and review the preparation and operation of the tabulating devices, their programming and testing, and have the representatives in attendance at any or all phases of the election.

(c) The county elections official may limit the total number of representatives employed pursuant to subdivision (b) in attendance to no more than 10 by a manner in which each interested bona fide association of citizens or media organization has an equal opportunity to participate. Any representatives employed and in attendance pursuant to subdivision (a) shall not be subject to the limit specified in this subdivision.

§ 15202. If the ballots are to be counted at a central counting place, no fewer than two precinct board members shall, following the close of the polls, deliver the ballots, in a sealed container, to the central counting place or a designated receiving station. There may be two or more central counting places.

§ 15272. The count shall be public and shall be continued without adjournment until completed and the result is declared. During the reading and tallying, the ballot read and the tally sheet kept shall be within the clear view of watchers.

Rather than providing the full text of 17000-17506, in order to save publication space, only selected relevant code text follows:

§ 17303. (a) The following provisions shall apply to those elections where candidates for one or more of the following offices are voted upon: President, Vice President, United States Senator, and United States Representative.

(b) The elections official shall preserve the package or packages containing the following items for a period of 22 months:

- (1) Two tally sheets.
- (2) The copy of the index used as the voting record.
- (3) The challenge lists.
- (4) The assisted voters' list.

(c) All voters may inspect the contents of the package or packages at all times following commencement of the official canvass of the votes.

(d) If a contest is not commenced within the 22-month period, or if a criminal prosecution involving fraudulent use, marking, or falsification of ballots, or forgery of vote by mail voters' signatures is not commenced within the 22-month period, either of which may involve the vote of the precinct from which voted ballots were received, the elections official may have the packages destroyed or recycled.

§ 17504. (a) The following provisions apply to those elections where candidates for one or more of the following offices are voted upon: President of the United States, Vice President of the United States, United States Senator, and United States Representative. - See more at: <http://codes.findlaw.com/ca/elections-code/elec-sect-17504.html#sthash.5iiZZ1uH.dpuf>

(b) The elections official shall preserve all applications for vote by mail ballots for a period of 22 months from the date of the election. - See more at: <http://codes.findlaw.com/ca/elections-code/elec-sect-17504.html#sthash.5iiZZ1uH.dpuf>

-----End of Election Code Excerpts -----

