In re: Secretary of State

Regulatory Action:

Title 02, California Code of Regulations

Adopt sections: 20180, 20181, 20182
Amend sections: 
Repeal sections:

NOTICE OF APPROVAL OF CERTIFICATE OF COMPLIANCE

Government Code Sections 11349.1 and 11349.6(d)

OAL Matter Number: 2022-1018-01
OAL Matter Type: Certificate of Compliance (C)

This certificate of compliance by the Secretary of State makes permanent the emergency regulations that establish notice requirements concerning the prohibition of electioneering and activity related to the corruption of the voting process.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code.

Date: November 30, 2022

Nicole C. Carrillo
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Dr. Shirley N. Weber, Secretary of State
Copy: Robbie Anderson
### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. **SUBJECT OF NOTICE**
   - TITLE(S): Notice Re Prohibition of Electioneering and Corruption of Voting Proc
   - FIRST SECTION AFFECTED: 20180, 20181 and 20182

2. **REQUESTED PUBLICATION DATE:** 2022-0211-01(E), 2022-0823-02(EE)

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. **SUBJECT OF REGULATIONS**
   - Notices Re Prohibition of Electioneering and Corruption of Voting Proc

2. **SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S)**
   - SECTION(S) AFFECTED: 20180, 20181 and 20182

3. **TYPE OF FILING**
   - Regular Rulemaking (Gov. Code §11346)
   - Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.

4. **ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE**

5. **EFFECTIVE DATE OF CHANGES**
   - Effective January 1, April 1, July 1, or Effective on filing with Secretary of State

6. **CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY**
   - Department of Finance (Form STD. 399) (SAM §6660)
   - Fair Political Practices Commission
   - State Fire Marshal

7. **CONTACT PERSON**
   - Robbie Anderson

8. **I certify that the attached copy of the regulations is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

**SIGNATURE OF AGENCY HEAD OR DESIGNEE**

**DATE:** 10/18/2022

**Typed Name and Title of Signatory:** Syran Lapsley, Deputy Secretary of State
California Secretary of State
Proposed Emergency Regulatory Action:
Notices Regarding Prohibition of Electioneering and Corruption of the Voting Process
(Certificate of Compliance)

Final Proposed Regulation Text (Changes to Emergency Regulations)

Title 2. Administration
Division 7. Secretary of State
Chapter 3.7 Voting Locations

Article 1. Notices Regarding Prohibition of Electioneering and Corruption of the Voting Process

20180. Providing Notice on Electioneering

(a) To ensure that voters, interested persons, and members of the public are aware of the prohibition of electioneering and its related penalties, county elections officials must provide public notice.

(b) The Secretary of State shall provide notice to the public as follows:
   (1) Posting conspicuously on the Secretary of State’s internet website.
   (2) Including the notice in the state voter information guide.

(c) County elections officials shall provide notice to the public as follows:
   (1) Posting conspicuously on the county elections official’s internet website.
   (2) Posting conspicuously at all buildings that contain a polling place (including an election official’s office or a satellite location) and any outdoor site (including a curbside voting area and a vote-by-mail ballot drop box) at which a voter may cast or drop off a ballot.

(d) The notice to the public shall be as follows:

   "WARNING:
   ELECTIONEERING PROHIBITED!
   Violations can lead to fines and/or imprisonment.

WHERE:
- Within the immediate vicinity of a person in line to cast their ballot or within 100 feet of the entrance of a polling place, curbside voting, or ballot drop box the following activities are prohibited.

WHAT ACTIVITIES ARE PROHIBITED:
- DO NOT ask a person to vote for or against any candidate or ballot measure.
- DO NOT display a candidate’s name, image, or logo.
• DO NOT block access to or loiter near any ballot drop boxes.
• DO NOT provide any material or audible information for or against any candidate or ballot measure near any polling place, vote center, or ballot drop box.
• DO NOT circulate any petitions, including for initiatives, referenda, recall, or candidate nominations.
• DO NOT distribute, display, or wear any clothing (hats, shirts, signs, buttons, stickers) that include a candidate’s name, image, logo, and/or support or oppose any candidate or ballot measure.
• DO NOT display information or speak to a voter about the voter’s eligibility to vote.

The electioneering prohibitions summarized above are set forth in Article 7 of Chapter 4 of Division 18 of the California Elections Code.

(e) In the event the county elections official does not have sufficient space on their vote-by-mail ballot drop boxes to include the entire notice provided in section (d), the county elections official, at a minimum, must include the following:

"WARNING:
ELECTIONEERING PROHIBITED!
Violations can lead to fines and/or imprisonment.

For additional information on the prohibitions of electioneering, please visit our website at (insert county website address here)."

(f) The format of the notice prescribed in section (d) may be modified based upon the needs of the county elections official.

(g) The notice shall be provided in all languages required under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).


20181. Providing Notice on Activity Relating to Corruption of the Voting Process

(a) To ensure that voters, interested persons, and members of the public are aware of activities that constitute corruption of the voting process and the related penalties, county elections officials must provide public notice.

(b) The Secretary of State shall provide notice to the public as follows:
   (1) Posting conspicuously on the Secretary of State’s internet website.
   (2) Including the notice in the state voter information guide.

(c) County elections officials shall provide notice to the public as follows:
   (1) Posting conspicuously on the county elections official’s internet website.
   (2) Posting conspicuously at all buildings that contain a polling place (including an election official’s office or a satellite location) and any outdoor site (including a curbside voting area and a vote-by-mail ballot drop box) at which a voter may cast or drop off a ballot.

(d) The notice to the public shall be as follows:

California Secretary of State – Proposed Emergency Regulatory Action
Notices Regarding Prohibition of Electioneering and Corruption of the Voting Process
Final Text of Proposed Regulations – Changes to Emergency Regulations
“WARNING:
CORRUPTING THE VOTING PROCESS IS PROHIBITED!
Violations can lead to fines and/or imprisonment.

WHAT ACTIVITIES ARE PROHIBITED:

- **DO NOT** commit or attempt to commit election fraud.
- **DO NOT** provide any sort of compensation or bribery to, in any fashion or by any means induce or attempt to induce, a person to vote or refrain from voting.
- **DO NOT** illegally vote.
- **DO NOT** attempt to vote or aide another to vote when not entitled to vote.
- **DO NOT** engage in electioneering; photograph or record a voter entering or exiting a polling place; or obstruct ingress, egress, or parking.
- **DO NOT** challenge a person’s right to vote or prevent voters from voting; delay the process of voting; or fraudulently advise any person that they are not eligible to vote or are not registered to vote.
- **DO NOT** attempt to ascertain how a voter voted their ballot.
- **DO NOT** possess or arrange for someone to possess a firearm in the immediate vicinity of a polling place, with some exceptions.
- **DO NOT** appear or arrange for someone to appear in the uniform of a peace officer, guard, or security personnel in the immediate vicinity of a polling place, with some exceptions.
- **DO NOT** tamper or interfere with any component of a voting system.
- **DO NOT** forge, counterfeite, or tamper with the returns of an election.
- **DO NOT** alter the returns of an election.
- **DO NOT** tamper with, destroy, or alter any polling list, official ballot, or ballot container.
- **DO NOT** display any unofficial ballot collection container that may deceive a voter into believing it is an official collection box.
- **DO NOT** tamper or interfere with copy of the results of votes cast.
- **DO NOT** coerc e or deceive a person who cannot read or an elder into voting for or against a candidate or measure contrary to their intent.
- **DO NOT** act as an election officer when you are not one.

**EMPLOYERS** cannot require or ask their employee to bring their vote by mail ballot to work or ask their employee to vote their ballot at work. At the time of payment of salary or wages, employers cannot enclose materials that attempt to influence the political opinions or actions of their employee.

**PRECINCT BOARD MEMBERS** cannot attempt to determine how a voter voted their ballot or, if that information is discovered, disclose how a voter voted their ballot.

The prohibitions on activity related to corruption of the voting process summarized above are set forth in Chapter 6 of Division 18 of the California Elections Code.”
(c) In the event the county elections official does not have sufficient space on their vote-by-mail ballot drop boxes to include the entire notice provided in section (d), the county elections official, at a minimum, must include the following:

"WARNING:
CORRUPTING THE VOTING PROCESS IS PROHIBITED!
Violations can lead to fines and/or imprisonment.

For additional information on what constitutes corruption of the voting process, please visit our website at (insert county website address here).”

(f) The format of the notice prescribed in section (d) may be modified based upon the needs of the elections official.

(g) The notice shall be provided in all languages required under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).


20182. Combined Notice on Vote-by-Mail Ballot Drop Boxes Relating to Electioneering and Activity Relating to Corruption of the Voting Process

(a) In the event county elections officials do not have sufficient space on their vote-by-mail ballot drop boxes to include the entire notices provided in Sections 20180(d) and 20181(d), county elections officials, at a minimum, must include the following:

"WARNING:
ELECTIONEERING AND CORRUPTING THE VOTING PROCESS IS PROHIBITED!
Violations can lead to fines and/or imprisonment.

For additional information on what constitutes electioneering and corruption of the voting process, please visit our website at (insert county website address here).”

(b) The notice shall be provided in all languages required under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).