This emergency action by the Secretary of State establishes notice requirements regarding the prohibition of electioneering and activity that relates to the corruption of the voting process.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on February 22, 2022 and will expire on August 23, 2022. The Certificate of Compliance for this action is due no later than August 22, 2022.

Date: February 22, 2022

Nicole C. Carrillo
Attorney

For: Kenneth J. Pogue
Director

Original: Dr. Shirley N. Weber
Copy: Robbie Anderson
**OFFICE OF ADMIN. LAW**

2022 FEB 11 PM 3:12

1:55 PM

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### NOTICE

**SUBJECT OF NOTICE**

1. **TITLE(S)**: Notices Re Prohibition of Electioneering and Corruption of Voting Proc

**FIRST SECTION AFFECTED**

- Adopt: 20180 and 20181
- Amend: 20181
- Repeal: 20180

**REQUESTED PUBLICATION DATE**

- Regular Rulemaking (Gov. Code §11346)
- Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)
- Emergency (Gov. Code, §11346.1(b))

**TYPE OF FILING**

- 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.
- Emergency Readopt (Gov. Code, §11346.1(h))
- Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
- Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
- Other (Specify)

**EFFECTIVE DATE OF CHANGES**

- Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
- Effective on filing with Secretary of State
- §100 Changes Without Regulatory Effect (Specify)

**CONTACT PERSON**

Robbie Anderson

**TELEPHONE NUMBER**

916-216-6488

**SIGNATURE OF AGENCY HEAD OR DESIGNEE**

Susan Lapsley, Deputy Secretary of State

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**ENDORSED - FILED**

in the office of the Secretary of State of the State of California

FEB 22 2022

1:55 PM

Office of Administrative Law
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, 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 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 elections official does not have sufficient space on their vote-by-mail drop boxes to include the entire notice provided in section (d), the 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 elections official.


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, 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:
CORRUPTING THE VOTING PROCESS IS PROHIBITED!
Violations subject to fine 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 he or she is not eligible to vote or is 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, counterfeit, 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 coerce 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."

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

"WARNING:
CORRUPTING THE VOTING PROCESS IS PROHIBITED!
Violations subject to fine 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.