California Secretary of State
Proposed Emergency Regulatory Action:
Notices Regarding Prohibition of Electioneering and 
Corruption of the Voting Process
Finding of Emergency

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6. (1 California Code of Regulations, Section 48.)

INFORMATIVE DIGEST AND STATEMENT OF EMERGENCY

These emergency regulations avoid serious harm to the public peace, health, safety, and general welfare by providing newly-required notices designed to protect the integrity of the voting process.

On January 1, 2021, Senate Bill 35 (SB 35, Chapter 318 of the Statutes of 2021) became law. Amongst other things, SB 35 requires the Secretary of State to promulgate regulations for notices regarding the prohibitions on electioneering and regarding the prohibitions on activity relating to corruption of the voting process. While SB 35 does not provide a timeframe for when these regulations are to be promulgated, the Secretary of State has determined that it is imperative to have the notices available and provided to the public prior to the June 7, 2022, Statewide Direct Primary Election.

The proposed regulations provide information on how and where county elections officials and the Secretary of State are to provide the notice, and also the language that the notices are to require. The language of the notices is provided to ensure that all California voters are receiving the same messages on the prohibitions of electioneering and corruption of the voting process.

There is insufficient time to promulgate these regulations and have them effective in time for the Secretary of State and county elections officials to include the notices in their respective voter information guides.

These emergency regulations are necessary to make sure that voters, interested persons, and members of the public are fully aware of activities that are not allowed during an election, with the intent to retain the integrity of the voting process.
Regulatory Compatibility

The Secretary of State has determined that these proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Secretary of State has concluded that these are the only regulations that concern notices regarding the prohibition of electioneering and corruption of the voting process in California.

Local Mandate Determination

Mandate on local agencies or school districts: None

Estimate of Cost Savings

Cost savings to any state agency: None

Reimbursable cost to any local government agencies: None

Nondiscretionary cost or savings to local government agencies: None

Cost or savings in federal funding to the state: None

NECESSITY STATEMENT

These proposed regulations are necessary to ensure that voters, interested persons, and members of the public are fully aware of activities that are not allowed during an election, with the intent to retain the integrity of the voting process.

AUTHORITY AND REFERENCE


DOCUMENTS RELIED UPON

Senate Bill 35 (Chapter 318 of the Statutes of 2021)

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB35