California Secretary of State
Proposed Regulatory Action: Notices Regarding Prohibition of Electioneering and Corruption of the Voting Process
Initial Statement of Reasons

PUBLIC HEARING AND COMMENT

Hearing Date: No hearing date is scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the contact person listed no later than 15 days prior to the close of the written comment period.

Written Public Comment Period: July 29, 2022, through September 12, 2022


Section(s) Affected: Sections 20180 through 20182 of Title 2, Division 7, Chapter 3.7 of the California Code of Regulations.

PURPOSE AND NECESSITY

The Notices Regarding Prohibition of Electioneering and Corruption of the Voting Process were adopted as an emergency prior to the June 7, 2022, Statewide Primary Election. The emergency regulations provided uniform notices for prohibition on electioneering and corruption of the voting process.

These regulations are intended to make the emergency regulations permanent, as well as to add a new provision that will provide greater flexibility to elections officials.

On January 1, 2022, Senate Bill 35 (SB 35, Chapter 318 of the Statutes of 2021) became law. Amongst other things, SB 35 required 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 did not provide a timeframe for when the regulations were to be promulgated, the Secretary of State determined that it was imperative to have the notices available and provided to the public prior to the June 7, 2022, Statewide Primary Election.

The proposed regulations provide information on how and where county elections officials and the Secretary of State are to provide the notices, the required language of the notices, and also require the notices to be translated into other languages. The required 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.

FACTUAL BASIS / RATIONALE

The purposes of these regulations are to:

1. Provide uniform guidance and language for county elections officials and the Secretary of State regarding the requirement to provide notices to the public about the prohibition of electioneering.

2. Provide uniform guidance and language for county elections officials and the Secretary of State regarding the requirement to provide notices to the public about activity relating to the corruption of the voting process.

3. Provide flexibility to county elections officials by allowing a combined notice for the prohibition of electioneering and activity relating to the corruption of the voting process.

The factual basis and rationale for each section of the proposed regulations are as follows:

20180. Providing Notice on Electioneering.

This proposed section details where notices regarding the prohibitions of electioneering are to be posted and what language is to be on those notices, and requires the notices to be translated into the languages required under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

Subdivision (a) requires elections officials to provide notice regarding the prohibition of electioneering and its related penalties. This subdivision is necessary to introduce the requirement that elections officials are to provide notices regarding the prohibition of electioneering and its related penalties.

Subdivision (b) requires the Secretary of State to provide public notice in a specific manner. This subdivision is necessary to detail where the Secretary of State is to provide notice to the public regarding the prohibition of electioneering and its related penalties.

Paragraphs (1) and (2) provide the locations where the required notices are to be posted. These paragraphs are necessary to ensure the public is aware of the prohibition of electioneering and its related penalties.

Subdivision (c) requires county elections officials to provide public notice in a specific manner. This subdivision is necessary to detail where the county elections officials are to provide notice to the public regarding the prohibition of electioneering and its related penalties.
Paragraphs (1) and (2) provide the locations where the required notices are to be posted. These paragraphs are necessary to ensure the public is aware of the prohibition of electioneering and its related penalties.

Subdivision (d) provides the required language of the notice. This subdivision is necessary to ensure that the same message is provided to all members of the public throughout the State of California. Absent required language, differing messages regarding the prohibition of electioneering and its related penalties could be utilized throughout the state. Any differing messages could cause confusion, interfere with the elections process, and decrease the confidence in the elections process in California.

Subdivision (e) allows for county elections officials to provide a condensed version of the notice provided in Subdivision (d). This subdivision is necessary to provide flexibility to county elections officials, and provides for a shorter warning because the notice is to be included on vote-by-mail ballot drop boxes, which already have a significant amount of required information in a limited amount of space.

Subdivision (f) allows elections officials to modify the format of the notice provided in Subdivision (d). This subdivision is necessary to provide flexibility to elections officials. While the exact text of the warning provided in Subdivision (d) must be included, this section allows the elections official to modify the format of the warning to best fit their needs.

Subdivision (g) requires and makes specific that the notice must be provided in all languages required under the federal Voting Rights Act of 1965. This subdivision is necessary to provide clarity regarding the language requirements and to comply with the mandate of federal law.

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

This proposed section details where notices regarding the activities that relate to corruption of the voting process are to be posted and what language is to be on those notices, and requires the notices to be translated into the languages required under the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

Subdivision (a) requires elections officials to provide notice regarding the activities that relate to corruption of the voting process and its related penalties. This subdivision is necessary to introduce the requirement that elections officials are to provide notices regarding the activities that relate to corruption of the voting process and its related penalties.

Subdivision (b) requires the Secretary of State to provide public notice in a specific manner. This subdivision is necessary to detail where the Secretary of State is to provide notice to the public regarding the activities that relate to corruption of the voting process and its related penalties.
Paragraphs (1) and (2) provide the locations where the required notices are to be posted. These paragraphs are necessary to ensure the public is aware of the activities that relate to corruption of the voting process and its related penalties.

Subdivision (c) requires county elections officials to provide public notice in a specific manner. This subdivision is necessary to detail where the county elections officials are to provide notice to the public regarding the activities that relate to corruption of the voting process and its related penalties.

Paragraphs (1) and (2) provide the locations where the required notices are to be posted. These paragraphs are necessary to ensure the public is aware of the activities that relate to corruption of the voting process and its related penalties.

Subdivision (d) provides the required language of the notice. This subdivision is necessary to ensure that the same message is provided to all members of the public throughout the State of California. Absent required language, differing messages regarding the activities that relate to corruption of the voting process could be utilized throughout the state. Any differing messages could cause confusion, interfere with the elections process, and decrease the confidence in the elections process in California.

Subdivision (e) allows for county elections officials to provide a condensed version of the notice provided in Subdivision (d). This subdivision is necessary to provide flexibility to elections officials, and provides for a shorter warning because the notice is to be included on vote-by-mail ballot drop boxes, which already have a significant amount of required information in a limited amount of space.

Subdivision (f) allows elections officials to modify the format of the notice provided in Subdivision (d). This subdivision is necessary to provide flexibility to elections officials. While the exact text of the warning provided in Subdivision (d) must be included, this section allows the elections official to modify the format of the warning to best fit their needs.

Subdivision (g) requires and makes specific that the notice must be provided in all languages required under the federal Voting Rights Act of 1965. This subdivision is necessary to provide clarity regarding the language requirements and to comply with the mandate of federal law.

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

Subdivision (a). This subdivision provides for combined warning for the prohibition of electioneering and its related activities and for activity relating to corruption of the voting process. This subdivision is necessary to provide flexibility to county elections officials with respect to posting notices on their vote-by-mail ballot drop boxes because vote-by-mail ballot drop boxes already have a significant amount of required information in a limited amount of space. Prior to the June 7, 2022, Statewide Primary Election, several county elections officials
inquired as to whether a combined warning was allowed. The combined notice was not allowed because the emergency regulations did not provide for that.

Subdivision (b) requires and makes specific that the notice must be provided in all languages required under the federal Voting Rights Act of 1965. This subdivision is necessary to provide clarity regarding the language requirements and to comply with the mandate of federal law.

**ECONOMIC IMPACT STATEMENT**

These regulations have been established to provide direction and requirements to county elections officials and the Secretary of State, who are required to post notices to voters relating to the prohibitions of electioneering and corruption of the voting process. There are no existing regulations pertaining to these required notices.

These regulations only pertain to elections officials, who are required to post notices to voters relating to the prohibitions of electioneering and corruption of the voting process, so no fiscal impact exists.

**Creation or Elimination of Jobs within the State of California**

It is not anticipated that these regulations will create or eliminate jobs within the State of California. These regulations only pertain to elections officials, who are required to post notices to voters relating to the prohibitions of electioneering and corruption of the voting process. Therefore, no additional staff should be required for the county elections officials.

**Creation of New or Elimination of Existing Businesses within the State of California**

These regulations are anticipated only to affect elections officials. These regulations only pertain to elections officials, who are required to post notices to voters relating to the prohibitions of electioneering and corruption of the voting process. They should not create or eliminate a new industry or related businesses within the State of California.

**Expansion of Businesses or Elimination of Existing Businesses within the State of California**

These regulations are anticipated only to affect elections officials. These regulations only pertain to elections officials, who are required to post notices to voters relating to the prohibitions of electioneering and corruption of the voting process. They should not expand or eliminate a new industry or related businesses within the State of California.

**Benefits of the Regulations**

Benefits of the Proposed Regulations: The benefits of the regulation to the health and welfare of California residents lies in the fact that these regulations will provide greater confidence in the conduct of California’s election activities by providing clear warnings to the public about the
prohibition of electioneering and what constitutes corruption of the voting process. uniform
guidance for petition processing, signature verification, ballot processing, and ballot counting.
These regulations will ultimately benefit California residents as they are intended to dissuade
individuals from interfering with the elections process, which will likely strengthen the public
trust in the State of California’s election process.