

CALIFORNIA CODE OF REGULATIONS
TITLE 2. ADMINISTRATION
DIVISION 7. SECRETARY OF STATE
CHAPTER 3. VOTING LOCATIONS
ARTICLE 1. VOTE-BY-MAIL BALLOT DROP BOXES AND VOTE-BY-MAIL DROP-OFF LOCATIONS
[ALL NEW TEXT]

20130. Purpose.

The purpose of this Article is to establish guidelines for security measures and procedures if a county elections official establishes one or more vote-by-mail ballot drop-off locations or vote-by-mail ballot drop-off boxes. The provisions of this Article do not apply to polling places.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 3025, Elections Code. Reference: Section 3025, Elections Code.

20131. Definitions.

- (a) “Designated ballot retrievers” shall mean county employees, representatives, poll workers, or vote center workers, authorized by the elections official to retrieve ballots from drop boxes, or temporary workers or volunteers retained and authorized by the elections official to retrieve ballots from drop boxes.
- (b) “Secure ballot container” shall mean a lockable and secure container that is placed inside a ballot drop box. If a secure ballot container is used, ballots are deposited directly into that container. A secure ballot container is not required for all drop boxes.
- (c) “Secure ballot transfer device” shall mean a lockable and secure container that ballots deposited into the drop box shall be placed in by the designated ballot retrievers for secure transport to the office of the county elections official, a ballot receiving center, a designated central count location, or a ballot processing location.
- (d) “Staffed drop box” shall mean a vote-by-mail ballot drop box that is placed in a location that is in the view of a live person who is employed at the location of the drop box, a city or county employee, or a temporary worker or volunteer retained for the purpose of monitoring the drop box. A staffed drop box is typically not available for use by a voter 24 hours a day.
- (e) “Unstaffed drop box” shall mean a secured vote-by-mail drop box that is not within view of a live person for monitoring and is available for use by a voter 24 hours a day.
- (f) “Vote-by-mail ballot drop box” or “drop box” shall have the meaning set forth in California Elections Code section 3025(a)(1).
- (g) “Vote-by-mail ballot drop-off location” or “drop-off location” shall have the meaning set forth in California Elections Code section 3025(a)(2).

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 3025, Elections Code. Reference: Section 3025, Elections Code.

20132. Drop Box Design and Requirements.

(a) To prevent physical damage and unauthorized entry, an unstaffed drop box located outdoors shall be constructed of durable material able to withstand vandalism, removal, and inclement weather.

(b) To ensure that only ballot material can be deposited and not be removed by anyone but designated ballot retrievers, all drop boxes (both staffed and unstaffed) shall have an opening slot with a height no larger than one inch, and a width no larger than two inches wider than the vote-by-mail return envelope. The opening slot shall be at an angle to minimize the ability for liquid to be poured into the drop box or rain water to seep in.

(c) A drop box, and a secure ballot container placed within the drop box, shall be designed such that any unauthorized physical access results in physical evidence that unauthorized access has taken place. An elections official may use a tamper-evident seal for purposes of this section.

(d) A drop box or secure ballot container shall provide specific points identifying where ballots are to be inserted. A drop box may have more than one ballot slot (e.g. one for drive-up ballot drop-offs and one for walk-up drop-offs).

(e) Each drop box shall be assigned a unique identifying number that is readily identifiable to the designated ballot retrievers and the public on the drop box.

(f) The drop box shall be clearly and visibly marked, as an "Official Ballot Drop Box". The following information shall be provided at drop-off locations in all languages required under Elections Code section 14201(c) and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503), and in the manner prescribed by the elections official:

(1) Language stating that tampering with the drop box is a felony pursuant to Elections Code section 18500.

(2) The telephone number of the county elections office.

(3) The Secretary of State's toll free voter hotline, (800) 345-VOTE (8683).

(4) A statement that no postage is necessary when depositing the ballot into the drop box.

(5) A statement requesting that the county elections official be notified immediately in the event the drop box is not functioning or has been damaged in any fashion.

(6) A statement informing the public that no ballots will be accepted after 8:00 p.m. on Election Day, unless there are voters in line or the time for the closing of the polls has been extended by a court order.

(g) Drop boxes shall be designed to function as follows:

(1) Drop box hardware shall be operable without any tight grasping, pinching, or twisting of the wrist.

(2) Drop box hardware shall require no more than 5 lbs. of pressure for the voter to operate.

(3) Accessible drop boxes shall be operable within reach-range of 15 to 48 inches from the finish floor or ground for a person utilizing a wheelchair. This shall not apply to a drop box meant to be used by drivers of vehicles.

(4) Signage for ballot drop boxes shall be in a distinct color type that contrasts with the background and have a no-glare finish.

(h) In determining the final design and functions of the drop box, the elections official shall design them in such a way that the public will perceive them to be official and secure.

(i) Each drop box used in a particular county shall have the same use features, and be of substantially similar design, color scheme, and signage to facilitate identification by the public.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 3025, Elections Code. Reference: Section 3025, Elections Code.

20133. Determination of Drop-off Locations and Number of Drop Boxes.

(a) Drop-off locations shall be determined by the county elections official. In determining locations, the elections official shall, at a minimum, consider concentrations of population, geographic areas, voter convenience, proximity to public transportation, community-based locations, security, and available funding.

(b) Staffed drop box locations may include, but are not limited to, city offices, public libraries, county offices, assisted living facilities, local businesses, and offices of community organizations.

(c) The number of drop-off locations and drop boxes shall be determined by the county elections official.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 3025, Elections Code. Reference: Section 3025, Elections Code.

20134. Accessibility of Ballot Drop Boxes.

(a) County elections officials shall ensure that drop box locations are accessible to voters with disabilities, and shall also ensure the following:

(1) If a location has only one drop box, the design and placement of that drop box shall meet the accessibility requirements outlined in subdivision (g) of Section 20132, and shall be placed as outlined in subdivision (b).

(2) If a location has more than one drop box, at least one of the drop boxes must meet accessibility requirements outlined in subdivision (g) of Section 20132, and the design and placement of drop boxes at that location shall in aggregate meet the accessibility requirements outlined in subdivision (b).

(3) At a location with multiple drop boxes, if not all drop boxes meet the accessibility requirements outlined in this subdivision, then each inaccessible drop box shall have directional signage indicating the location of an accessible drop box.

(b) For drop boxes, as specified in subdivision (a), depending on points of entry available for a location and any limitations arising out of local ordinances or private landowners, the county elections official shall make a reasonable effort to meet the following accessibility requirements with regard to design and placement:

(1) If there is a public transportation stop available within 200 feet of the property line, then a drop box shall be placed along an accessible path connecting to the public transportation stop.

(2) If there is a parking lot available at the location, then a drop box shall be placed along an accessible path connecting to the parking lot. The parking lot should have at least one van-accessible parking space designated by the International Symbol of Accessibility (ISA).

(3) If there is a passenger drop-off zone at the location, then a drop box shall be placed along an accessible path connecting to the passenger drop-off point as determined by the elections official based upon the location.

(4) A drop box that can only be accessed by a voter from within their vehicle does not meet the accessibility requirements of this subdivision, unless it is accompanied by a parking lot with an accessible path of travel. In the event there is no accessible path of travel from the parking lot, there must be signage directing the voter to the nearest accessible drop box.

(5) Drop box locations that are placed inside a building shall be assessed for accessibility as if they were a polling place.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 3025, Elections Code. Reference: Section 3025, Elections Code.

20135. Drop-off Location and Drop Box Security.

(a) An unstaffed drop box placed outdoors shall be securely fastened in a manner as to prevent moving or tampering, for example, fastening the drop box to concrete or an immovable object.

(b) An unstaffed drop box placed inside a building shall be reasonably secured to prevent unauthorized removal.

(c) A staffed drop box shall be securely fastened to a stationary surface or to an immovable object, placed behind a counter, or can be transported to a curbside area or a mobile voting area.

(d) A staffed drop box shall be placed in an area that is inaccessible to the public and/or otherwise secured during the hours the drop box is not in use.

(e) If feasible, drop boxes shall be monitored by a video security surveillance system, or an internal camera that can capture digital images and/or video. A video security surveillance system can include existing systems on county, city, or private buildings.

(f) All drop boxes shall be secured by a lock, and may include a tamper-evident seal. Only an elections official and a designated ballot retriever shall have access to the keys and/or combination of the lock.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 3025, Elections Code. Reference: Section 3025, Elections Code.

20136. Drop-off Location and Drop Box Hours. Public Notification. Collection Times.

(a) The county elections official shall publicly announce the locations of drop-off locations and drop boxes at least 30 days prior to the election. The announcement must include the days and estimated times a particular staffed drop box will be available. Information shall be included in the county's Voter Information Guide and Sample Ballot publication or included in vote-by-mail materials sent to voters, and conspicuously posted on the county elections official's website. In the event any changes are made to locations and/or schedules, the information posted on the elections official's website shall be updated within 24 hours.

(b) For the purpose of posting the locations on the Secretary of State's website and to include information in any relevant election materials, the county elections official shall notify the Secretary of State of the drop-off and drop box locations, and the dates and estimated hours of

availability, at least 30 days prior to the election. In the event any changes are made to locations and/or schedules, the Secretary of State must be notified within 24 hours.

(c) Drop boxes shall be locked and covered, or otherwise made unavailable to the public until the 29th day prior to the election, to ensure that no ballots or any other materials may be deposited before the vote-by-mail period begins. Prior to use on the 29th day before the election, all drop boxes shall be inspected for damage and to ensure they are empty.

(1) A county elections official who provides a drop box outside of their office throughout the year for the purpose of voters delivering completed voter registration affidavits shall not be required to lock and cover those drop boxes.

(2) In the event drop boxes are deployed on the 60th day prior to an election for use by military and overseas voters, the provisions of this Article must be followed.

(d) Ballots shall be retrieved from drop boxes at times determined by the elections official, but shall be subject to the following:

(1) Ballots shall be retrieved from both staffed and unstaffed drop boxes at least every 96 hours between the 29th day before the election and the 10th day before an election.

(2) Ballots shall be retrieved from staffed drop boxes at least every 72 hours after the 10th day before the election through the closing of the polls on Election Day. The elections official shall develop procedures for contacting locations of staffed drop boxes between ballot retrieval periods to determine if an additional retrieval is needed.

(3) Ballots shall be retrieved from unstaffed drop boxes every 24 hours after the 10th day prior to an election through the closing of the polls on Election Day.

(e) Upon the closing of the polls on Election Day, all drop boxes shall be locked and covered or otherwise made unavailable at 8:00 p.m. to ensure that no ballots are dropped off after the polls have closed. In the event there are voters in line at 8:00 p.m., or a court order has been issued extending the time for the closing of the polls, the drop boxes may remain open until those voters have cast their ballot or the court order extending time has lapsed.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 3025, Elections Code. Reference: Section 3025, Elections Code.

20137. Ballot Collection Procedures and Chain of Custody.

(a) The county elections official shall develop ballot collection and chain of custody procedures, which shall be substantially similar to the following:

(1) The county elections official shall assign at least two designated ballot retrievers to retrieve voted vote-by-mail ballots from a drop box.

(2) Only designated ballot retrievers and law enforcement identified by the county elections official may transport the retrieved voted vote-by-mail ballots.

(3) Upon arrival at a drop box, the two designated ballot retrievers shall note, on a retrieval form prescribed by the county elections official, the location and unique identification number of the drop box and the date and time of arrival.

(4) The designated ballot retrievers shall retrieve the voted ballots from the drop box and place the voted ballots in a secure ballot transfer device, or retrieve the secure ballot container that is placed inside the drop box.

(5) If a secure ballot container is used, the designated ballot retrievers shall place an empty secure ballot container inside the drop box prior to departure.

- (6) After the final retrieval after the closing of the polls, an empty secure ballot container shall not be placed in the drop box, and the drop box should be locked and/or covered to prevent any further ballots from being deposited.
 - (7) The time of departure from the drop box shall be noted on the form described in (a)(3) above.
 - (8) Upon arrival at the office of the county elections official, a ballot receiving center, a designated central count location, or a ballot processing location, the designated ballot retrievers who retrieved the ballots shall note the time of arrival on the form described in (a)(3) above.
 - (9) The county elections official, or his or her designee, shall receive the retrieved ballots by signing the retrieval form, and including the date and time of receipt.
 - (10) The completed retrieval form shall be attached to the outside of the secure ballot container.
 - (11) When the secure container is opened by the county elections official at the office of the county elections official, a designated central count location, or a ballot processing location, the number of ballots retrieved and placed in that secure container shall be noted on the retrieval form.
- (b) The retrieval form described by this Section may be in an electronic form. In the event an electronic form is used, the secure container must be identified in a manner to match the container with the electronic form.
 - (c) The county elections official shall provide a copy of their ballot collection and chain of custody procedures to the Secretary of State's office by the 30th day before the election.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 3025, Elections Code. Reference: Section 3025, Elections Code.

20138. Processing of Retrieved Ballots.

Any ballots retrieved from a drop box shall be processed in the same manner as vote-by-mail ballots personally delivered to the office of the county elections official by the voter, ballots returned to a polling location, and ballots received via the United States Postal Service or any other delivery service.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 3025, Elections Code. Reference: Section 3025, Elections Code.