

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

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) A person may not engage in electioneering, as defined in Elections Code section 319.5. If a person does engage in electioneering, that person may be subject to the penal provisions provided in Elections Code section 18370. 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 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.

*Note: Authority cited: Section 18372, Elections Code; Section 12172.5, Government Code.
Reference cited: Sections 319.5 and 18370, Elections Code.*

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

(a) A person may not engage certain activities that constitute corruption of the voting process, which are detailed in Elections Code sections 18500-18578. If a person does engage in activities that constitute corruption of the voting process, then that person may be subject to a criminal penalty. To ensure that voters, interested persons, and member 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) The format of the notice prescribed in section (d) may be modified based upon the needs of the elections official.

*Note: Authority cited: Section 18504, Elections Code; Section 12172.5, Government Code.
Reference cited: Sections 18500, 18501, 18502, 18503, 18504, 18520, 18521, 18522, 18523, 18524, 18540, 18541, 18542, 18543, 18544, 18545, 18546, 18547, 18548, 18560, 18561, 18562, 18562.5, 18563, 18564, 18564.5, 18565, 18566, 18567, 18568 18569, 18570, 18571, 18572, 18573, 18573.5, 18574, 18575, 18576, 18577, and 18578, Elections Code.*