



ELECTION LAW AND POLLING PLACES

PURPOSE:

The purpose of this bulletin is to provide a baseline knowledge for officers who may be called to a polling place regarding violations of the California Elections Code (ELEC).

BACKGROUND:

With Election Day rapidly approaching, it is imperative that we protect the constitutional rights of all people to provide a safe and secure environment to cast their vote. We have one polling place located in our area of responsibility (Double Tree Hotel), with many others nearby.

CALIFORNIA ELECTIONS CODE:

As the ELEC is not something law enforcement deal with on a regular basis, this training bulletin is to provide some basic violations that may occur, along with the resources of where to find further information should the need arise. The hyperlinks contained in this training bulletin are the most up to date Los Angeles County polling rules and CA ELEC regulations.

ELECTIONEERING AT OR NEAR POLLS PROHIBITED:

“Electioneering” is defined in California Elections Code § 319.5 as “the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot within 100 feet of a polling place, a vote center, an elections official’s office, or a satellite location under § 3018.” This effectively means electioneering cannot be conducted within 100 feet of the entrance to the polling place.

Prohibited materials and information include, but are not limited to:

- A display of a candidate’s name, likeness, or logo.
- A display of a ballot measure’s number, title, subject, or logo.
- Buttons, hats, pencils, pens, shirts, signs, or stickers containing information about candidates or issues on the ballot.
- Any audible broadcasting of information about candidates or measures on the ballot.
- Loitering near or disseminating visible or audible electioneering information near a vote-by-mail drop box.

It should be noted that a campaign slogan or a political movement slogan (or the initials representing the campaign or political movement) does not constitute electioneering under the legal definition of electioneering as stated above. Accordingly, the display of slogans on clothing, face coverings, and/or buttons is not prohibited. Examples of campaign slogans or political movement slogans include but are not limited to: Make America Great Again (MAGA), Black Lives Matter (BLM), Keep America Great (KAG), Vote for Science, and Build Back Better.

As used here, "100 feet of a polling place, a satellite location under § 3018, or an elections official's office" means a distance 100 feet from the room or rooms in which voters are signing the roster and casting ballots. Any person who violates any of these prohibitions is guilty of a misdemeanor (§ 18370).

VANDALISM AT POLLING PLACES:

A person, during any election, shall not do any of the following (§ 18380(a)):

- Remove or destroy any of the supplies or other conveniences placed in the voting booths or compartments for the purpose of enabling the voter to prepare his or her ballot.
- Remove, tear down, or deface the cards printed for the instruction of voters.
- Remove, tear, mark, destroy, or otherwise deface any voter list or roster with the intent to falsify or prevent others from readily ascertaining the name, address, or political preference of any voter, or the fact that a voter has or has not voted.
- Remove, tear down, or deface the signs identifying the location of a polling place or identifying areas within 100 feet of a polling place.

Any person who violates any of these prohibitions is guilty of a misdemeanor (§ 18380(b)).

INTIMIDATION OF VOTERS:

Every person who makes use of or threatens to make use of any force, violence, or tactic of coercion or intimidation, to induce or compel any other person to vote or refrain from voting at any election, or to vote or refrain from voting for any particular person or measure at any election, or because any person voted or refrained from voting at any election, or voted or refrained from voting for any particular person or measure at any election is guilty of a felony punishable by imprisonment pursuant to § 1170(h) of the Penal Code for 16 months or two or three years (§ 18540(a)).

Although these violations may be the most common, should another complaint of, or crime arise, please refer to the guidelines distributed by California Secretary of State, Alex Padilla:

<https://www.sos.ca.gov/elections/publications-and-resources/elections-officers-digest/penal-provisions>

For plan text reference of the California Elections Code, refer to:

http://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=ELEC&division=18.&title=&part=&chapter=&article=

PROCEDURE FOR RADIO CALLS:

Officers may respond to a call for service concerning a complaint that an individual or individuals are violating a California Elections Code. The primary mission of officers is to educate and obtain voluntary compliance from individuals acting in violation of any laws related to the election or polling places. As such, responding officers should use the following procedures toward the resolution of the incident utilizing towards the peaceful resolution of the situation with an emphasis on de-escalation:

1. As the purpose of § 319.5 of the California Elections Code is to provide for a disturbance free area of voting, if possible and safe, attempt to lead the parties involved away from the polling place to conduct your investigation.
2. Inform and educate the individuals involved about the requirements and laws.
3. If, based on officers' observations, a violation is occurring, attempt to gain voluntary compliance from the individual(s) or to become compliant within the parameters of the law.
4. If the individual(s) refuses to comply, warn the violator that continued action may result in a criminal arrest and/or citation.
5. If the subject refuses to comply, the officer shall immediately request a supervisor to respond to the scene.
6. The responding supervisor shall record the entire interaction with the subject. The supervisor will also determine whether or not to complete a complaint application, cite and release, or conduct an arrest. The supervisor on scene will make proper notifications to the Watch Commander and these incidents must be included in the Watch Commander Log.

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