

SECRETARY OF STATE

VOTER FRAUD PROTECTION HANDBOOK

A Voter's Guide to
Safeguard California's Election Process



"Ensuring the Integrity of California's Elections"

Updated September 2009

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I work in a county other than the one in which I reside. I spend the majority of my time at work. I am very concerned with issues in that county. I would prefer to register to vote using my business address. Can I do that?

No. The Elections Code requires you to register to vote using the address of your domicile in the county in which you reside. Domicile is defined as the place where you live, where your habitation is fixed, and where you intend to remain and return to whenever you are absent from it. (Elections Code (EC) §§349, 2020 – 2034)

My husband and I registered to vote for the first time at a registration booth in front of a grocery store. He and I registered under different political parties, and I think I was discriminated against because I did not register with the party that the workers at the booth represented! I never received notice from my county elections official, but my husband did. When I called the county, I was informed that my voter registration form wasn't turned in until one week before the election, which was too late to process my registration. I'm furious! Can they really turn my card in late just because I didn't register with their party?

No, they cannot. Anyone entrusted with turning in a completed voter registration card must, by law, mail or deliver it to the local election official within three working days or by the registration cut-off date (EC §§2138, 2158, 18103), which is 15 days prior to an election. Upon registering, you will receive a notification card acknowledging that the county has received your affidavit (EC §§ 2155). You should watch for that notification in the mail in order to be sure that you are eligible to vote. If someone helped you register, that person by law must also sign the form and write his or her name, address, phone number and the name and phone number of whoever is paying for the card in the space provided. (EC §§2159, 18108)

When I registered to vote, the registration worker told me that I must give my actual home address on the registration form, even though I always use a post office box to protect my privacy. Now, I'm getting unwanted campaign solicitations at my home address. I thought the information from my voter registration files was supposed to be kept confidential. Is it?

Yes, voter files are confidential, with the exception that they are accessible for election, scholarly, journalistic, political or governmental purposes. Political campaigns can use voter file information to communicate with voters, but they must first fill out a form stating that the voter file information will be used for election purposes only and that they will not share the information with anyone else. If you believe the law has been broken, you may contact the Secretary of State's Election Fraud Investigation Unit at (916) 657-2166 or contact your local elections official. (California Administrative Code (CAC) §§ 19001 – 19009, EC §§ 2187, 2194, 18108, Government Code (GC) §§ 6254.4)

I went to get my driver's license, and they asked me if I wanted to register to vote. I know you don't have to be a citizen to get a California driver's license. By offering a voter registration card to everyone at DMV, is it more likely that non-citizens are registering to vote and illegally voting?

The National Voter Registration Act (Motor Voter) requires the Department of Motor Vehicles and certain other social services agencies to offer their customers the opportunity to register to vote. The registration forms are highlighted, as are the instructions, and state that a person must be a citizen of the United States in order to be eligible to register. (EC §§ 2101) Also, any literature or media announcements made in connection with programs designed to encourage people to register to vote must also point out that a person must be a citizen of the United States in order to be eligible to register and vote. (EC §§ 2106) If DMV has documentation from the applicant showing they are not a citizen, employees are instructed to remind the applicant of the legal requirements and also make a notation on the card for the elections official to investigate.

There was a table outside the hardware store with a sign that said "Democrats, Register Here." I wanted to register with the American Independent Party, but the person at the table wouldn't give me a voter registration card. Can they do that?

No, the law says that anyone who distributes voter registration cards shall give a voter registration card to anyone requesting it, provided the person or organization has cards available. (EC §2158) Refusal to give cards to eligible voters may be punishable by a fine of up to \$200 per infraction. (EC §18107)

I re-registered a few months ago and don't remember filling in any information about where, or if, I was registered before. Could someone use my previous registration to cast an illegal vote? What can I do to get them to remove my name from the county where I used to live and register me in the new county?

Although the voter registration form contains a space to provide your former voter registration address, the type of situation you describe happens quite often. To ensure duplicate registrations are discovered and corrected, cancellations and residency confirmation mailings are conducted periodically to clean up the voter rolls. However, if you have moved into a different county, and wish to be certain your registration is accurate, you could write a letter to the county elections official where you were formerly registered and ask them to delete your registration from their rolls. There is also a statewide system that is used to crosscheck all of California's county registration files for duplicates, making it easier to keep the voter registration files updated.

A political party representative offered my college-aged son a summer job helping voters to register. The party said they would pay him \$2 for every person he registered with their party. Can people really get paid to register voters and, if so, can the parties just pay the registration workers for registering people with a particular party? Doesn't this create temptation for workers to forge registrations or to alter party affiliations on the cards?

It is legal for people who register voters to be paid per registrant and/or per registrant with a particular party. However, there are strict laws in place to prevent the type of behavior you describe or to catch people who engage in those practices. Anyone registering voters is required to print on the registration card his or her name, address and telephone number as well as the name and telephone number of their employer. The person assisting with registration must also sign the voter registration card. Failure to comply with these provisions may bring both fines and/or imprisonment. (EC § 2159, 2159.5, 18108, 18108.5)

Someone told me that because my neighbors are from Europe, they couldn't vote. Isn't it true that once they've become U.S. citizens they can vote?

Once a person is naturalized as a United States citizen, they can register and vote in California as long as they (a) are at least 18 years of age and a resident of California, (b) are not in prison or on parole for conviction of a felony, and (c) have not been judicially determined to be mentally incompetent to register and vote. (EC § 321, 2101, 2208) In fact, any person naturalized after the 15th day prior to an election but on or before the seventh day before that election can go to their county elections official's office with proof of residence and citizenship, and register and vote. (EC § 331, 3500-3501)

I was married in October, right before the last election. Since I wanted to make sure that I was registered to vote under my new name, I re-registered. Not only did I receive a sample ballot pamphlet with my new name on it, I got another one with my maiden name on it! What can I do to make sure I only receive one sample ballot pamphlet next time?

The situation you describe is one of the most common causes of duplicate registrations on the voter registration rolls. In your case, you should contact your local elections official and make clear to them which name you are currently, legally using and ask them to remove the other from the voter rolls. New brides, and anyone who changes their name between elections should be sure to fill in the box on the voter registration card that asks for previous registration information. This will allow the prior registration on file to be cancelled.

I noticed that there are 30 people registered to vote at the local homeless shelter. Can people really register to vote at a temporary location like a homeless shelter?

Both state law and judicial rulings support the right of homeless persons to register to vote. As long as they maintain a fixed location where they can receive mail and at which they can be properly assigned to a precinct, they may register to vote. (EC § 2027)

My son just moved onto his college campus and wants to transfer his registration so he can vote there instead. Can he do that?

Yes. He should fill out a voter registration card for his new residence and be sure to fill in the prior registration information so his prior registration will be cancelled. If he wishes, he may remain registered at his permanent residence, such as your home, and request a vote-by-mail ballot be sent to him. The decision as to where he registers and votes is up to him, but he can only register and vote once. (EC § 349, 2020-2024, 2032)

I own a home on the coast that is three hours from my job in the city. I also own a townhouse in the city where I reside during the week, but I return home on the weekends to be with my family. From which residence address am I legally entitled to register and vote?

In this type of situation, the decision as to where you register and vote is up to you, but you must choose one. Generally, your domicile is where your family lives, where you physically reside, the place you intend to return to whenever you are gone from it, where your driver's license says you reside, where you claim your homeowner's property tax exemption or renter's tax credit, etc. (EC §349, 2020-2034)

A person helped me fill out my voter registration card. After he took it back from me to turn it in, he marked the box for a political party that I'm not sure I wanted to register with. Is that legal?

No, it is not. If you believe your voter registration affidavit has been tampered with, you should report it to our Election Fraud Investigation Unit at (916) 657-2166 or your local election official immediately. People assisting others to register to vote, whether they are being paid or not, are prohibited from altering your affidavit or marking it before they give it to you. (EC § 18106)

When I was signing the roster at the polls before I went into the voting booth, I saw the name of my neighbor's dog on the rolls. It's incredible that someone could register a pet and then request a vote-by-mail ballot in the pet's name in an effort to cast two votes! What can I do to report this unlawful act?

You are absolutely correct; this is illegal. State law specifically makes it illegal for anyone to register a nonexistent person. (EC §18100 – 18102). If you believe voter registration or voter fraud has occurred, you should report it to our Election Fraud Investigation Unit at (916) 657-2166 or your local elections official immediately.

VOTING

ELECTION DAY AT THE POLLS

I applied for my vote-by-mail ballot on a form I got in the mail from one of the campaigns. The day before the election, the campaign called and said the county elections office hadn't received my vote-by-mail ballot and that I had better go to the polls to vote in person instead. I mailed my ballot three days earlier. What if it arrives tomorrow and I vote in person, too? Won't I be guilty of voting twice? Can I do that?

It is against the law to intentionally vote or try to vote both by mail and in person. If you received and mailed back a vote-by-mail ballot but are concerned it won't arrive before the polls close on Election Day, you may go to the polls and vote by provisional ballot. If your vote-by-mail ballot does arrive at the county elections office in time, it will be counted and your provisional ballot will be voided. (EC §18500, 18560) Ballot reconciliation is a routine part of the official vote counting canvass that happens after the election.

I work a 7:00 a.m. – 7:00 p.m. shift, and I live 45 miles from where I work. I do not have sufficient time to go and vote during my lunch hour. What can I do?

If you do not have sufficient time outside of working hours to get to the polls and vote in a statewide election, state law provides up to two hours of paid time off to vote. Those two hours must be at the beginning or end of your normal shift, and you must notify your employer at least two working days before the election that you will need to exercise this right. No less than 10 days before a statewide election, your employer is supposed to post a notice about this in a conspicuous location. (EC §14000 – 14002)

The local radio station is offering free donuts for anyone who shows up at their door and proves they've voted in the election next Tuesday. Is that legal?

Not if there is a federal office for which voters will cast a ballot (President, U.S. Senate or House of Representatives). Federal law prohibits anything of value being given in exchange for proof of voting. State law prohibits anything of value being given to urge a voter to vote or refrain from voting for a particular candidate or measure, but it is not illegal to give away items to people solely for voting in a local or state election where no federal candidates are on the ballot (EC § 18520-18523)(42 USC 1973i(c))

I am an elderly widow who isn't very mobile. A local candidate's campaign called and offered to take me to the polls on Election Day. Can they do that?

Yes, but they cannot attempt to influence you or offer you any type of reward or thing of value for voting, or talk to you about how you intend to vote.

My friend is conducting a write-in campaign and is printing peel-off labels for us to put on our ballots to vote for him. Will my vote count if I use his peel-off label?

No, your write-in vote will not count if you use peel-off labels, stamps or stickers. Voters must write the name of the qualified write-in candidate and the office on the ballot or write-in envelope for the vote to be counted. (EC § 15342)

I recently moved from one side of town to the other. My friend said I could go back and vote at my old polling place or I could go to the new polling place. Where should I go to vote on Election Day?

It actually depends on how recently you've moved. If you moved before the registration deadline, which is 15 days prior to the election, the wisest action would be for you to re-register at your new address. You will be assigned to a polling place near your new home and receive your sample ballot pamphlet there. If you've moved within the same county, the National Voter Registration Act (also known as the Motor Voter law) allows you to go to the polling place for your new residence or to the county elections official's office to vote. If you do this, you will be required to produce identification that indicates your new residence and you will have to vote using a provisional ballot. If you've moved less than 14 days before the election, you also have the legal right to return to your old polling place just for that election. (EC § 2035, 14311)

The lady in line in front of me at the polls last election had two rowdy, noisy kids with her. I found it very distracting! After she signed in and got her ballot, the kids actually went into the voting booth with her! Can they do that?

Children under the age of 18 are allowed to go into the voting booth with the voter. (EC §14222)

The other day I got a mailing from my State Senate candidate reminding me to vote and telling me where my polling place is. What he said and what's printed on my sample ballot pamphlet are two different places. Who do I believe and are they breaking some law telling me to go to the wrong place?

It was probably a mistake. Circumstances can occur which cause polling place locations to change at the last minute before an election and sometimes campaigns have outdated information. You should rely on the information on the back of your sample ballot pamphlet. If someone has intentionally directed you to the wrong polling location, he/she can be charged with a misdemeanor offense. Contact the Secretary of State's Election Fraud Investigation Unit at (916) 657-2166 or your local elections official if you have reason to believe this is the case. (EC §18302)

When I went into my polling booth, I noticed a little pencil with a candidate's name on it urging voters to be sure and mark the box for him. Can they do that?

No, it is illegal to have items with a candidate's name on them in the polling place. This constitutes electioneering and any electioneering must be conducted a minimum of 100 feet from the place where people are voting. Sometimes, a voter inadvertently leaves such materials in the voting booth. (EC §18370)

A lady working at my polling place last Election Day was wearing a T-shirt that said "Down with Liberals" on it. Can she wear that?

Because such a t-shirt doesn't actually advocate voting for or against a particular candidate or measure, it's not considered electioneering. If the shirt had a statement for or against something or someone on the ballot, it would not be allowed within 100 feet of the polls. If the elections official is aware of the situation, he or she will likely request that the woman cover it up or change into something that does not cause the slightest appearance of partisanship. (EC §18370, 18541, 18546)

I saw the name of my deceased uncle on the index when I went to the polls last week and he was designated as a vote-by-mail voter! He's been dead for more than two years. Does this mean he was sent a vote-by-mail ballot? Who do I report this to? I'm afraid that someone is voting in my beloved uncle's name!

You should report the suspected illegal vote-by-mail ballot to the Secretary of State's Election Fraud Investigation Unit at (916) 657-2166 and to your local election official immediately. To prevent situations like this from occurring, the Secretary of State's office has established regulations requiring local coroner's death notices be sent to election officials, which are then used to reconcile with names on the voter files.

I am, as are many of my neighbors, a naturalized U.S. citizen, but I'm more comfortable reading election materials in my native language. Just because I ask for voting materials in Spanish, can someone harass me or make me prove my citizenship?

No. The federal Voting Rights Act requires minority language materials to be available where there are a significant number of people who speak that language. The voter registration card you signed under penalty or perjury declaring that you were a citizen is the only citizenship proof required for voting. (EC §2111, 2112) This type of harassment may also be considered intimidation, which is a violation of law. (EC §18540, 18541) For your convenience, there is a box on the voter registration card to request election materials in the foreign language of your choice. To request foreign language versions of election materials by phone, call (800) 345-VOTE.

A U.S. Senate candidate sent me a vote-by-mail ballot application that said to return it to the campaign after I had filled it out. The campaign even offered to bring my vote-by-mail ballot to me at my house some evening and help me fill it out. Is that permitted by law?

While it is not illegal for a campaign to help you apply for a vote-by-mail ballot, your vote is secret and you should not let anyone handle your ballot after it has been completed. If you want to vote by mail, and you want to be sure your ballot is turned in properly, you can obtain a ballot by filling out the application printed on the inside of your sample ballot pamphlet and return it to your local election official. If you don't think your ballot will arrive at your county elections office in time to be counted, you or an authorized person may take it to any polling place in your county on Election Day. Please pay close attention to deadlines and, under no circumstances, permit any campaign workers to handle your ballot or fill in your choices. Be sure to refuse any offer to return your ballot for you. If they do offer to do so, you should report them to our Election Fraud Investigation Unit at (916) 657-2166 and to your local election official immediately. (EC § 18371, 18403, 18577)

My co-worker is fit as a fiddle, and only works an 8:00 a.m. to 5:00 p.m. shift. She has plenty of time to go vote on her way to or from the office. Yet, she always votes by mail. I thought you had to have some legitimate excuse for voting by mail. Can she do that?

Yes, she can. Voters do not need to provide a reason when requesting a vote-by-mail ballot or when registering as a permanent vote-by-mail voter. (EC §3003)

One of the campaigns came door to door with blank vote-by-mail application forms. The person even offered to help me fill my form out and return it for me. Part of the form was already filled out in my name. It looked like a computer had generated a form for all of us who are registered on this street! Can they do that?

Portions of the application form for a vote-by-mail application form may be pre-printed, but you must personally fill in the address where you want the ballot sent, and sign it yourself. This application must also conspicuously state that you have the right to return the application to your local election official directly. Campaigns may collect and return completed applications on your behalf, but they must do so within 3 days or prior to the deadline for applying for the vote-by-mail ballot. (EC § 3006, 3008, 18402)

Somebody told me I could get a vote-by-mail ballot sent to me over the Internet. It sounds dangerous and I think it could open the doors for lots of people to illegally vote. Can this be true?

While you cannot get a vote-by-mail ballot sent to you over the Internet, some county elections officials now allow you to request a vote-by-mail ballot on their website and have it sent to your home. If your county elections official does not yet have such a feature on their site, you may still have a vote-by-mail ballot sent to you by sending the elections official a signed request or by using the form found in your sample ballot. You can also download an application form for a vote-by-mail ballot from the Secretary of State's website at www.sos.ca.gov, complete it and mail it to your local elections official.

My neighbor's husband applied for a vote-by-mail ballot and then suddenly died four days before the election. Their son told me that his mom voted and returned the ballot for her late husband in his honor and memory because she knew how he was going to vote. Is this legal? What can I do to prove she did that, or find out if it is really true?

This is clearly illegal. Your neighbor cannot vote her deceased husband's ballot even if she knew his intentions. By doing so, she has specifically violated Elections Code §18560 and §18578, which is a crime that should be reported to our Election Fraud Investigation Unit (916) 657-2166 or to your local election official. It is possible the man actually cast his ballot before he passed away, (the vote-by-mail voting period opens 29 days before the election) and his wife mailed it after his death, so be cautious with any allegations you might make. However, every signature on a vote-by-mail ballot envelope is compared against the signature on the voter's registration form. If it does not match the ballot, it is not counted.

I understand that the list of people who apply for a vote-by-mail ballot is public record. But, can a campaign really go door to door and offer to collect the voted ballots and return them on the voter's behalf? I mean, they're even offering to hand deliver it to the election office! Is this legal?

No. No one may return your voted vote-by-mail ballot on your behalf, unless you have designated him or her to do so and he or she is your spouse, child, parent, grandparent, grandchild, brother, sister, or person living in the same household as you. Under special circumstances, a voter may designate a non-relative, in writing, to return a vote-by-mail ballot if it was obtained under emergency provisions (between one and six days before the election) that are stated in the Elections Code. (EC §3017, 3021, 18577)

My best friend's brother is in state prison on a felony conviction and applied to vote a vote-by-mail ballot from there. Can he do that?

No. A person who is in prison or on parole for the conviction of a felony cannot register to vote or vote. In fact, to ensure that felons are not on the voter rolls and voting, the Secretary of State's office regularly receives criminal record updates from the state Department of Corrections to verify a felon's status against the county's current voter registration files. (EC §321, 2000, 2101, and Cal. Const. Article II §2). However, if the person is in a county jail, they can register and vote.

COUNTING THE BALLOTS

I don't trust computers. Never have, and never will. I would like to watch how ballots get counted on election night to see with my own eyes how it works. Is this process open to the public?

Yes, the entire process, from the opening of the vote-by-mail ballot envelopes to the counting of ballots on election night is open to the public. (EC §15004, 15104) Contact your local election official for more information on observing the process on election night. Additionally, to test the accuracy of the counting machines prior to the official certification of election results, each county election official must conduct a public manual count of the ballots cast in one percent of the precincts, the ballots counted are chosen at random by each election official. (EC §15360)

After I voted my ballot, I handed it back to the precinct inspector to put it into the ballot box. She tore off the stub and handed it to me, but I never actually saw her put my ballot into the ballot box. In fact, the box didn't even look like it was securely sealed. Are there procedures that they're supposed to follow to guarantee our ballots are secret and ultimately counted?

Yes, there are very clear procedures set forth in state law about who handles ballots, protecting the secrecy of ballots, and reconciliation of all precinct supplies when the polls close at 8:00 p.m. on election night. (EC § 14291, § 14293, § 18562, § 18563) If you believe your ballot was improperly handled, you should report it immediately to our Election Fraud Investigation Unit at (916) 657-2166 or to your local elections official.

I've heard all these stories about instances in other states where the precinct ballot box was switched for another one on the way to the county election office. Can this happen in California?

California election officials, on a county-by-county basis, employ several security measures to protect against any ballot box switching. Among the many steps taken to ensure the ballot box that leaves the precinct is the same one that arrives at the central counting location, the precinct board seals each box after all the supplies (the ballots, rosters, et.) are put inside, along with the reconciliation pages. Therefore, in order to swap a box, the new box would have to contain the identical, duplicate contents that were sealed inside the first box. There are always at least two people watching this process and each poll worker must sign the reconciliation sheet. In most of the larger counties, each box is also identified by a bar code. If you suspect ballot box tampering has occurred, contact our Election Fraud Investigation Unit at (916) 657-2166 or your local election official immediately.

I wanted to stay after the polls closed at 8:00 p.m. to see for myself that the ballot box was sealed and there was no funny business going on at my precinct. However, one of the poll workers told me that I had to leave when the polling place closed. I thought I could stay and watch the process of reconciling the votes. Can I?

Yes, you can stay after the polls close to watch the reconciliation process. In most counties, the raw number of ballots cast is counted at the precinct. The actual votes cast are counted at a central receiving area, usually the county election office. You are welcome to watch ballot counting at either location.

With all those computer hackers out there breaking into the Pentagon, how can I be sure that no one is tinkering with the computer programs that count the ballots on election night?

The Secretary of State certifies all voting systems. Each county, before and after counting ballots, must run a number of pre-marked ballots through the computer as part of a legally required test, known as the "Logic and Accuracy" check. In addition, each county must file their Logic and Accuracy tapes with the Secretary of State, as well as escrow a copy of their software. These safeguards were designed to test the system before the actual counting of the real ballots on Election Day.

The candidate whom I supported for a local office in my community lost his election by a handful of votes. I have reason to believe something fishy was going on in his opponent's camp. I even have a couple of leads that might prove my theory that my guy should have won! What can I do to prevent his opponent from taking office?

After the votes are all counted, and the results are certified, anyone can contest an election by filing papers to do so in a court of law shortly after the date the election is certified. The papers must indicate the reason for the contest, such as poll worker fraud, election official misconduct, faulty computers, etc. Generally, a judge will determine whether the allegations involve a number of votes sufficient to change the outcome of an election as a threshold step to proceeding. If the case continues, all the records of the election, including precinct supplies, rosters, ballots, voting equipment, software, absentee envelopes, etc., are made available to the attorneys representing both the plaintiff as well as the defendant. A judgment in favor of the plaintiff would prevent the defendant from taking office. If you believe there has been a criminal violation, please contact our Election Fraud Investigation Unit at (916) 657-2166 or your local election official immediately. (EC § 16401)

CAMPAIGN DO'S AND DON'TS

The other day, I got a mailing that looked very official, complete with a copy of the state seal on the envelope. It turned out to be campaign literature. I thought campaigns had to tell you they printed and mailed out this stuff, and that they couldn't use our state's seal. Am I right, or can they do that?

No, you are right, campaigns cannot legally use the state seal on their literature. Every page of a simulated sample ballot pamphlet must clearly state it is not an official document, and the mailing may not have an official government seal on the envelope or the contents. (EC §18301, 20009) Please report this type of campaign misconduct to our Election Fraud Investigation Unit at (916) 657-2166 or your local election official immediately.

There is a ballot measure coming up that directly affects my profession and livelihood. In last month's pay envelope, the boss included a flyer urging me to vote for the proposition. Can he do that?

No. Including in or on your pay envelope any type of written or printed opinion that directly or by implication urges you to vote for or against a candidate or measure or is intended to influence your political action or opinion is prohibited by law. (EC §18542)

I had a yard sign up for the city council candidate I am supporting, and then it disappeared. I suspect that it was stolen by the opponent's camp. What can I do?

Although this seems like an elections-related offense, this crime is strictly considered petty theft, best handled by local law enforcement authorities. You can report the theft to your local police or sheriff's department.

A volunteer for one of the presidential candidates told me if I promised to vote for his candidate, and his candidate wins, he would make sure I was on the slate of electors to go to the Electoral College. This seems to me like a bribe to get me to vote in a particular way. Is that illegal?

Yes. It is against the law to offer any kind of consideration to get people to vote, or not vote, in any particular manner. (EC §18520 – 18522)

My neighbor is running for city council, and in her candidate statement in the voter's sample ballot pamphlet, she claims to be a college graduate. I happen to know that she dropped out of high school. Can she get away with purposely misrepresenting her qualifications?

If a candidate knowingly falsifies information on his or her candidate statement, he/she can be fined up to \$1,000 (EC §18351). Elections Code §13307 provides that authors are not exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements contained in the voter's pamphlet. There is an opportunity to challenge the contents of the candidate's statement printed in the voter's sample ballot pamphlet during the public display period provided for in EC §13313.

A guy stopped me in front of the supermarket and asked me to sign a petition. When I asked what the petition was for, he misrepresented what the petition was about and covered up the printed summary at the top of the petition. He can't do that, can he?

No, you must be allowed to see the official summary of the petition. A circulator is breaking the law and can be fined or put in jail if he misrepresents the contents and purpose of the petition. (EC §18600, 18601, 18602) If you have reason to believe that a circulator is breaking the law, gather as much information on him or her as possible. Note the location at which the circulator was working, a physical description of the circulator, the name or a description of the initiative measure and/or the proponents of the petition you were asked to sign and the names of anyone who also witnessed the misrepresentation. Remember to report anything unusual to your local election official or to the Secretary of State's Election Fraud Investigation Unit at (916) 657-2166.

I am circulating a petition to recall a local elected official and would like to collect signatures for the drive on Election Day in front of my local polling place. After all, I know the people going in or coming out of the polls are registered voters, so it's a ready-made target audience. Can I solicit signatures right outside the door of the polling place?

No. While it might seem to be the ideal location, this would be construed as electioneering and state law expressly states that you must remain at least 100 feet from the room where voters are signing the roster and casting their ballots. (EC §18370)

HELPFUL PHONE NUMBERS

Local Election Issues:

Call your County Clerk or Registrar of Voter's office.

See the contact list on the Secretary of State's website at www.sos.ca.gov/elections/elections_d.htm

State Election Issues:

Elections: (916) 657-2166

Elections E-mail: Elections@sos.ca.gov

Secretary of State's Website: www.sos.ca.gov

Federal Election Issues:

Federal Election Commission: (800) 424-9530

United States Department of Justice –

Public Integrity Section: (202) 514-1412

Sources: *California Elections Code (EC)*
United States Code (USC)
California Code of Regulations (CCR)
California Constitution (Cal. Const.)

All references to code sections contained in this handbook are to the California Elections Code, unless otherwise specified.