

20984. Other Paper Voting Systems

- (a) A paper ballot shall be subject to the standards in the section applicable to the voting system on which it is processed.
- (b) When paper ballots, or voting responses on paper other than a ballot, are counted by the hand and eye, the provisions of Section 20983 shall apply.

Note: Authority cited: 52 U.S.C. 21081(a)(6); Section 12172.5, Government Code. Reference cited: Section 12172.5, Government Code.

20985. Direct Recording Electronic (DRE) Voting Systems

- (a) When direct recording electronic (DRE) technology is used to cast and count the votes on a ballot, the provisions of this section shall apply. The following standards shall be used to determine whether the voter has made a definite choice.
- (b) A voter's choice shall be considered a valid vote if the voter:
 - (1) Operates the DRE in a manner to cause an "X" or "√" or "highlight" or similar designation to display in the voting target position of the name of the candidate or measure for which the voter chooses to vote, followed by the voter activating the cast vote indicator.
 - (2) Operates the DRE in a manner to cause the name of a qualified write-in candidate to be entered in the designated write-in space, followed by the voter activating the cast vote indicator.
 - (3) Operates the DRE in a manner to cause the name of a candidate listed on the ballot to be entered in the designated write-in space, followed by the voter activating the cast vote indicator.
 - (4) Operates the DRE in a manner to cause the cast ballot indicator to be activated and has not voted for more contests or candidates than the number for which the voter is eligible to vote.
- (a) If the voter leaves the voting booth without causing the ballot to be cast, the precinct official shall cause the ballot to be cast, without examining how any votes have been recorded on the machine.

Note: Authority cited: 52 U.S.C. 21081(a)(6); Section 12172.5, Government Code. Reference cited: Section 12172.5, Government Code.

ARTICLE 9. PROCESSING OF VOTE-BY-MAIL AND PROVISIONAL BALLOTS

20990. Vote-by-mail Ballot Processing and Return Status

- (a) Upon receipt of a voted vote-by-mail ballot, the elections official shall, immediately upon receipt and/or processing the ballot identification envelope, enter the return status of that ballot into the statewide voter registration system pursuant to Section 19091(c).
- (b) The received vote-by-mail ballot shall be processed in accordance with Elections Code section 3019.

(c) The signature on the vote-by-mail ballot identification envelope shall be examined pursuant to Section 20960 and Elections Code section 3019. The examination of the signature shall be liberally construed in the favor of the voter.

(d) If the voter did not sign the vote-by-mail ballot identification envelope, or if the elections official has determined that the signature on the vote-by-mail ballot identification envelope does not compare to the signature(s) of the voter in the voter's record, the elections official shall, within 24 hours of discovery, provide the voter with the applicable notice to cure the missing or mismatched signature pursuant to Elections Code section 3019(d) or (e).

(e) For the notice described in subdivision (d), the elections official shall:

(1) Provide the notice to the voter in the voter's preferred language that is covered by Section 203 of the Federal Voting Rights Act of 1965.

(2) Include a statement on the notice that the signature provided by the voter may be added to the voter's registration record to be used for signature comparison purposes in future elections, if the signature provided in the cure compares to the signature(s) of the voter in the voter's record.

(3) Include a postage-paid return envelope with the notice for the voter to return their signature cure.

(f) Upon the final adjudication of the voted vote-by-mail ballot, the elections official shall enter the appropriate reason code for the disposition of the ballot into the statewide voter registration system in accordance with Section 19092.

Note: Authority cited: Section 3026, Elections Code; Section 12172.5, Government Code.

Reference cited: 52 U.S.C. 10503; Sections 3010, 3019, 14201, Elections Code; Section 12172.5, Government Code.

20991. Standards for Valid and Invalid Vote-by-Mail Ballots

(a) A vote-by-mail ballot shall be subject to the standards provided in the approved use procedures for the system on which it is processed and the provisions of the Elections Code. In addition, the following standards shall also apply.

(b) A voter's ballot shall be considered a valid ballot, if the:

(1) Voter's signature on the returned vote-by-mail identification envelope compares with the signature(s) in the voter's registration record.

(2) Damaged, torn or otherwise non-processable ballot can be duplicated to exactly reflect the voter's choices and thereby enable the ballot to be processed on the system provided for that purpose. Standards for duplicating ballots are set forth in Elections Code section 15210 and in the applicable voting system use procedures for the county. In addition, a ballot received from a voter who uses a remote accessible vote-by-mail ballot system shall have their ballot duplicated for processing.

→ (3) Voter prints their name on the signature portion of the vote-by-mail ballot identification envelope, and it compares with a printed signature(s) in the voter's registration record.

(4) Voter uses a variation of the signature(s) appearing in the voter's registration record caused by the substitution of initials for the first or middle name, or both, and the signature compares with the affidavit of registration or the signature(s) in the voter's registration record, as identified in Section 20960(g)(3).

(5) Voter does not sign the vote-by-mail ballot identification envelope in the appropriate space, but the signature does appear elsewhere on the identification envelope and compares with the signature(s) in the voter's registration record.

(6) Voter uses a mark on both the vote-by-mail ballot identification envelope and the affidavit of voter registration, and the mark compares.

(7) Vote-by-mail ballot is postmarked or date stamped on or before Election Day by a bona fide private mail delivery service and received by the elections official in accordance with Elections Code section 3020.

(8) Vote-by-mail ballot identification envelope has no dated postmark, the postmark is illegible, and there is no date stamp for receipt from a bona fide private mail delivery service, but the voter has dated the vote-by-mail ballot identification envelope or the envelope otherwise indicates that the ballot was executed on or before Election Day and the ballot was received by the elections official in accordance with Elections Code section 3020.

(9) Voter indicates vote choice(s) by writing the name(s) of the candidate(s) or indicating the vote(s) on the measure(s) in a letter or note, and returns it in a vote-by-mail ballot identification envelope with a valid signature. If the voter's choice(s) can be determined, the ballot shall be duplicated pursuant to Elections Code section 15210 to reflect the voter's choices and processed as if cast by the voter.

(10) Voter, instead of using his or her official ballot, marks a sample ballot and mails it in the vote-by-mail ballot identification envelope and the signature on the identification envelope compares with the signature(s) in the voter's registration record.

(11) Two or more ballots are returned in one vote-by-mail ballot identification envelope, and there are an equal number of distinct signatures on the identification envelope that can be attributed to eligible vote-by-mail voters and each of these signatures compares with the signature(s) in the applicable voter's registration record.

(12) The voter returns their vote-by-mail ballot identification envelope of a different voter, but the elections official is able to identify the correct voter and the voter's signature compares with the signature(s) in the voter's registration record.

(13) A military or overseas voter who is temporarily living outside of the territorial limits of the United States or the District of Columbia and transmits a voted ballot by facsimile pursuant to Elections Code section 3106.

(c) A voter's ballot shall be considered an invalid ballot, if the:

(1) Elections official has determined that the signature on the vote-by-mail ballot identification envelope does not match the voter's signature in the voter's registration record, and pursuant to California Elections Code section 3019(d), the voter does not cure the ballot by providing the elections official with a signed form within the timeframe provided by Section 3019(d).

(2) Vote-by-mail ballot envelope is not signed by the voter and pursuant to California Elections Code section 3019(e), the voter does not cure the ballot by providing the elections official with a signed form within the timeframe provided by Section 3019(e).

(3) Vote-by-mail ballot identification envelope is signed using power of attorney.

(4) Vote-by-mail ballot is not timely received by the voter's elections official via the United States Postal Service or a bona fide private mail delivery company in accordance with Elections Code section 3020.

(5) Vote-by-mail ballot is delivered by USPS or bona fide private mail service to the elections official in accordance with Elections Code section 3020, but the postmark or private mail service date stamp indicates that it was received by the carrier after Election Day.

(6) Vote-by-mail ballot is delivered by USPS or bona fide private mail service to the elections official in accordance with Elections Code section 3020 without a legible postmark date or date

stamp from the private mail service and the vote-by-mail ballot identification envelope indicates the ballot was executed after Election Day.

(7) Vote-by-mail ballot is received by elections official after Election Day by some method other than USPS or bona fide private mail service.

(8) Voter, who is not a military or overseas voter, transmits his or her voted ballot by facsimile.

(9) The signature on the form provided by either Elections Code section 3019(d) or (e), when compared to the signature(s) in the voter's registration record, does not appear to be the same.

(10) Vote-by-mail ballot identification envelope contains two or more voted vote-by-mail ballots but there are less than an equal number of distinct signatures on the vote-by-mail envelope. In this instance neither ballot shall be counted.

Note: Authority cited: 52 U.S.C. Section 21081(a)(6); Section 12172.5, Government Code.

Reference cited: Sections 303.3, 3009, 3011, 3017, 3019, 3020, 3106, 15210, Elections Code; Section 12172.5, Government Code.

20992. Provisional Ballot Processing and Return Status

(a) Upon receipt of a voted provisional ballot, the elections official shall, immediately upon adjudication of the ballot, enter the status of that ballot into the statewide voter registration system pursuant to Section 19093.

(b) The voted provisional ballot shall be processed in accordance with Elections Code section 14310.

(c) The signature on the provisional ballot envelope shall be examined pursuant to Section 20960 and Elections Code section 14310. The examination of the signature shall be liberally construed in the favor of the voter.

(d) If the voter did not sign the provisional ballot envelope, or if the elections official has determined that the signature on the provision ballot envelope does not compare to the signature(s) of the voter in the voter's record, the elections official shall, within 24 hours of discovery, provide the voter with the applicable notice to cure the missing or mismatched signature pursuant to Elections Code section 3019(d) or (e).

(e) For the notice described in subdivision (d), the elections official shall:

(1) Provide the notice to the voter in the voter's preferred language that is covered by Section 203 of the Federal Voting Rights Act of 1965.

(2) Include a statement on the notice that the signature provided by the voter may be added to the voter's registration record to be used for signature comparison purposes in future elections, if the signature provided in the cure compares to the signature(s) of the voter in the voter's record.

(3) Include a postage-paid return envelope with the notice for the voter to return their signature cure.

(f) Upon the final adjudication of the voted provisional ballot, the elections official shall enter the appropriate reason code for the disposition of that ballot into the statewide voter registration system in accordance with Section 19094.

Note: Authority cited: Section 12172.5, Government Code. Reference cited: Sections 14310, 14314, Elections Code; Section 12172.5, Government Code.

20993. Standards for Valid and Invalid Provisional Ballots