



KINGS COUNTY CANVASS GUIDE

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PURPOSE OF THE CANVASS

The Official Canvass is conducted:

To verify the accuracy and validity of the votes counted.

To resolve any discrepancies through review of the official election materials and unused ballots.

To complete the official vote count including *Write-in Votes*, *Vote-by-Mail Ballots*, and *Provisional Ballots* not included in the *Semifinal Official Vote Count*.

California Elections Code § 15302

DEFINITIONS

Note: All *italicized words* are defined here.

Canceled Ballots – A ballot that is not counted because the voter has voluntarily returned it to the precinct officers or Elections Official. California Elections Code § 14296

Damaged Ballots – Any ballot that is torn or mutilated and is not machine-readable. California Elections Code § 15208 and § 15210

Governing Body – The board of directors of a district or agency or the board or body which governs the activities of the district or agency. California Elections Code § 10500(b)(7)

Identifying Marks – Any ballot that is marked in a manner so as to identify the voter. California Elections Code § 14287, § 15154, and § 15208

Index – A list of voters registered in the precinct. California Elections Code § 14105 and § 14202

One Percent Manual Tally of Votes – The public process of manually counting votes in one percent of the precincts randomly selected by the Elections Official, and in one precinct for each race not included in the randomly selected precincts. In an election conducted using Vote Centers, a one percent manual tally can be conducted using the batch process set forth in California Elections Code. California Elections Code § 336.5 and § 15360

Overvotes – Voter voted for more candidates than allowed or voted both ‘yes’ and ‘no’ on a proposition or measure. California Elections Code § 15302

Precinct Ballot Statement – A ballot reconciliation statement completed by the *Precinct Board* members at the polling place or Vote Center. California Elections Code § 14405 and § 14420(b)

Precinct Board – The board appointed by the Elections Official to serve at a single precinct or a consolidated precinct. In an election using Vote Centers, *precinct board* means the board appointed by the Elections Official to serve at a Vote Center. Elections Code § 339

Provisional Ballots – A ballot voted by a voter whose qualifications or entitlement to vote cannot be immediately established. The ballot will be isolated and researched by the Elections Official to determine the voter’s eligibility. California Elections Code § 14310(a)

Roster – The official list of voters for an election, which may be in paper or electronic form. The roster becomes the official list of voters who have voted in the election once signed by the voter or marked by the Elections Official. California Elections Code § 349.5

Semifinal Official Vote Count or *Semifinal Official Canvass* – The public process of collecting, processing, and tallying ballots. The *Semifinal Official Canvass* may include some of or all the Vote-by-Mail and Provisional vote totals. California Elections Code § 353.5 and § 15150 – 15154

Spoiled Ballots – A ballot on which a voter has inadvertently selected the wrong candidate or measure or has somehow defaced the ballot. California Elections Code § 14288

Vote-by-Mail Ballots – A ballot cast by a voter in any way other than at the polling place. California Elections Code § 300

Vote Center – A location established for holding elections that offers the services described in California Elections Code § 2170, § 4005, and § 4007. California Elections Code § 357.5

Write-in Votes – A vote cast by the voter by writing in the name and office of a qualified write-in candidate in the appropriate space provided on or with the ballot. California Elections Code § 15342

OFFICIAL CANVASS PERIOD

The Official Canvass is open to the public.

California Elections Code § 15301 requires the Official Canvass to begin no later than the Thursday following Election Day.

The canvass is to continue daily except for Saturdays, Sundays, and holidays, not less than six hours each day until completed.

STATEMENT OF VOTE

California Elections Code § 15372 requires the Elections Official to prepare a certified statement of the results of the Election, after the canvass, and submit it to the *Governing Body* within 30 days of the election. For Elections conducted in November of odd-numbered years, no later than the last Monday before the last Friday in November.

Certified results are transmitted to the Secretary of State, as required by California Elections Code § 15375.

TASKS OF THE OFFICIAL CANVASS

Tasks of the Official Canvass include all the following:

- An inspection of all the election materials and supplies returned by the *Precinct Board*.
- A reconciliation of the number of signatures on the *Roster* with the number of ballots recorded on the *Precinct Ballot Statement*.
- In the event of a discrepancy in the reconciliation of the number of ballots received from each Vote Center, the ballots are reconciled with the number of ballots cast, as indicated on the *Precinct Ballot Statement*.
- Processing the official *Roster/Index* which includes accounting for all voters who signed the electronic *Roster* through Election Day.
- A reconciliation of the number of ballots counted, *Spoiled*, *Canceled*, or invalidated due to *Identifying Marks* and *Overvotes* with the number of votes recorded, including *Vote-by-Mail* and *Provisional Ballots* by the vote counting system.
- Processing and counting any valid *Vote-by-Mail* and *Provisional Ballots* not included in the *Semifinal Official Vote Count*.
- Counting any valid *Write-in Votes*.
- Reproduce/duplicate any *Damaged Ballots*.
- Conduct the *One Percent Manual Tally of Votes*.
- Report final results to the *Governing Board*.
- Transmit certified results to the Secretary of States, as required.

CANVASS OBSERVERS

Interested parties **may observe** that the Elections Official is following established procedures. The Elections Official shall determine the number and placement of observers. Observers will be provided with the Kings County Observer Guidelines at the time of checking in.

Observers shall not touch or handle any ballots, envelopes, containers, or equipment. No observers shall interfere with the orderly process of the canvass.

Except to challenge a canvass procedure, observers shall not carry-on conversations with each other or election personnel or make disruptive comments while in the observation or canvass work areas.

Observers shall not assist in the operations of the canvass.

The Elections Official shall determine and establish a reasonable observation distance.

Failure to follow observer rules will be reported to the Elections Official, who will determine appropriate action, which may include removal from the Elections Department.

CITED ELECTIONS CODES

California Elections Code § 15104. Observation of Vote-by-Mail ballot processing and counting.

- (a) The processing of Vote-by-Mail return envelopes, and the processing and counting of Vote-by-Mail ballots shall be open to the public, both prior to and after the election.
- (b) A member of the county grand jury, and at least one member each of the Republican County Central Committee, the Democratic County Central Committee, and of any other party with a candidate on the ballot, and any other interested organization, shall be permitted to observe and challenge the manner in which the Vote-by-Mail ballots are handled, from the processing of Vote-by-Mail ballot return envelopes through the counting and disposition of the ballots.
- (c) The Elections Official shall notify Vote-by-Mail observers and the public at least 48 hours in advance of the dates, times, and place where Vote-by-Mail ballots will be processed and counted.
- (d) Notwithstanding paragraph (2) of subdivision (b) of Section 2194, Vote-by-Mail observers shall be allowed sufficiently close access to enable them to observe the Vote-by-Mail ballot return envelopes and the signatures thereon and challenge whether those individuals handling Vote-by-Mail ballots are following established procedures, including all of the following:
 - (1) Verifying signatures on the Vote-by-Mail ballot return envelopes by comparing them to voter registration information.
 - (2) Duplicating accurately damaged or defective ballots.
 - (3) Securing Vote-by-Mail ballots to prevent tampering with them before they are counted on Election Day.
- (e) A Vote-by-Mail voter observer shall not interfere with the orderly processing of Vote-by-Mail ballot return envelopes or the processing and counting of Vote-by-Mail ballots, including the touching or handling of the ballots.

California Elections Code § 15301. Time for conducting canvass.

The canvass shall commence no later than the Thursday following the election, shall be open to the public, and, for statewide elections, shall result in a report of results to the Secretary of State. The canvass shall be continued daily, Saturdays, Sundays, and holidays excepted, for not less than six hours each day until completed.

California Elections Code § 15302. Tasks of the Official Canvass.

The official canvass shall include, but not be limited to, the following tasks:

- (a) An inspection of all materials and supplies returned by poll workers.
- (b) A reconciliation of the number of signatures on the roster with the number of ballots recorded on the ballot statement.
- (c) In the event of a discrepancy in the reconciliation required by subdivision (b), the number of ballots received from each polling place shall be reconciled with the number of ballots cast, as indicated on the ballot statement.
- (d) A reconciliation of the number of ballots counted, spoiled, canceled, or invalidated due to identifying marks, overvotes, or as otherwise provided by statute, with the number of voters recorded, including Vote-by-Mail and provisional ballots, by the vote counting system.
- (e) Processing and counting any valid Vote-by-Mail and provisional ballots not included in the semifinal official canvass.
- (f) Counting any valid Write-in votes.
- (g) Reproducing any damaged ballots, if necessary.
- (h) Reporting final results to the governing board and the Secretary of State, as required.

California Elections Code § 15360. Manual tally when using a voting system.

- (a) During the official canvass of every election in which a voting system is used, the official conducting the election shall conduct a public manual tally of the ballot tabulated by those devices, including Vote-by-Mail ballots, using either of the following methods:
 - (1) (A) A public manual tally of the ballots canvassed in the semifinal official canvass, including Vote-by-Mail ballots but not including provisional ballots, cast in 1 percent of the precincts chosen at random by the Elections Official. If 1 percent of the precincts is less than one whole precinct, the tally shall be conducted in one precinct chosen at random by the Elections Official.
 - (B) (i) In addition to the 1 percent manual tally, the Elections Official shall, for each race not included in the initial group of precincts, count one additional precinct. The manual tally shall apply only to the race not previously counted.
 - (ii) The Elections Official may, at his or her discretion, select additional precincts for the manual tally, which may include Vote-by-Mail and provisional ballots.
 - (2) A two-part manual tally, which includes both of the following:
 - (A) A public manual tally of the ballots canvassed in the semifinal official canvass, not including Vote-by-Mail or provisional ballots, cast in 1 percent of the precincts chose at random by the Elections Official and conducted pursuant to paragraph (1).
 - (B)(i) A public manual tally of not less than 1 percent of the Vote-by-Mail ballots canvassed in the semifinal official canvass. Batches of Vote-by-Mail ballots shall be chosen at random by the Elections Official.
 - (ii) For purposes of this section, a “batch” means a set of ballots tabulated by the voting system devices, for which the voting system can produce a report of the votes cast.
 - (iii)(I) In addition to the 1 percent manual tally of the Vote-by-Mail ballots, the Elections Official shall, for each race not included in the initial 1 percent manual tally of Vote-by-Mail ballots, count one additional batch of Vote-by-Mail ballots. The manual tally shall apply only to the race not previously counted.

- (II) The Elections Official may, at his or her discretion, select additional batches for the manual tally, which may include Vote-by-Mail and provisional ballots.
- (b) If Vote-by-Mail ballots are cast on a direct recording electronic voting system at the office of an Elections Official or at a satellite location of the office of an Elections Official pursuant to Section 3018, the official conducting the election shall either include those ballots in the manual tally conducted pursuant to paragraph (1) or (2) of subdivision (a), or conduct a public manual tally of those ballots cast no fewer than 1 percent of all the direct recording electronic voting machines used in that election chosen at random by the elections official.
 - (c) The Elections Official shall use either a random number generator or other method specified in regulations that shall be adopted by the Secretary of State to randomly choose the initial precincts, batches of Vote-by-Mail ballots or direct recording electronic voting machines subject to the public manual tally.
 - (d) The Elections Official shall not randomly choose the initial precincts or select an additional precinct for the manual tally until after the close of the polls on Election Day.
 - (e) The manual tally shall be a public process, with the official conducting the elections providing at least a five-day public notice of the time and place of the manual tally and of the time and place of the selection of the precincts, batches, or direct recording electronic voting machines subject to the public manual tally before conducting the selection and tally.
 - (f) The official conducting the election shall include a report on the results of the 1 percent manual tally in the certification of the official canvass of the vote. This report shall identify any discrepancies between the machine count and the manual tally and a description of how each of the discrepancies was resolved. In resolving a discrepancy involving a vote recorded by means of a punchcard voting system or by electronic or electromechanical vote tabulating devices, the voter verified paper audit trail shall govern if there is a discrepancy between it and the electronic record.

California Elections Code § 15372. Certified statement of the results.

- (a) The Elections Official shall prepare a certified statement of the results of the election and submit it to the governing body within 30 days of the election, or in the case of a school district, community college district, county board of education, or special district elections conducted on the first Tuesday after the first Monday in November of odd-numbered years, no later than the last Monday before the last Friday of that month.
- (b) The Elections Official shall post the certified statement of the results of the election on his or her Internet Web site in a downloadable spreadsheet that may include, but is not limited to, a comm-separate values file or a tab-separated values file and that is compatible with a spreadsheet software application that is widely used at the time of posting. The certified statement of the election results shall be posted and maintained in the Election Official's Internet Web site for a period of at least 10 years following the election. This subdivision shall only apply to an Elections Official who uses a computer system that has the capability of producing the election results in a downloadable spreadsheet format without requiring the modification of the computer system.

California Elections Code § 15375. Transmit to Secretary of State copy of results.

The Elections Official shall send to the Secretary of State within 31 days of the election in an electronic format in the manner requested one complete copy of all results as to all of the following:

- (a) All candidates voted for statewide office.
- (b) All candidates voted for the following offices:
 - (1) Member of the State Assembly.
 - (2) Member of the Senate.
 - (3) Member of the United States House of Representatives.
 - (4) Member of the State Board of Equalization.
 - (5) Justice of the Court of Appeals.
 - (6) Judge of the Superior Court.
- (c) All persons voted for at the presidential primary. The results for all persons voted for at the presidential primary for delegates to national conventions shall be canvassed and shall be sent within 28 days after the election.
- (d) The vote given for persons for electors of President and Vice President of the United States. The results for presidential electors shall be endorsed "Presidential Election Returns" and shall be canvassed and sent within 28 days after the election.
- (e) All statewide measures.
- (f) The total number of ballots cast.