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| <p>California Department of Justice DIVISION OF LAW ENFORCEMENT Stephen Woolery, Chief</p>  | <h1>INFORMATION BULLETIN</h1> | |
| <p><i>Subject:</i></p> <p>November 5, 2024, General Election – Ballot Collection Laws</p> | <p><i>No.</i></p> <p>2024-DLE-15</p> | <p><i>Contact for information:</i></p> <p>Stephen Woolery, Chief Division of Law Enforcement (916) 210-6300</p> |
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TO: ALL CALIFORNIA LAW ENFORCEMENT AGENCIES AND ELECTIONS OFFICIALS

This bulletin summarizes California law regarding the third-party collection of voter ballots and unofficial ballot drop-off containers. Among other things, state law governs the means of ballot collection and imposes obligations when third parties assume responsibility for another person’s ballot. These laws protect every voter’s rights and are critical to the integrity of California’s elections. Individuals must comply with these and other requirements, subject to potential criminal penalties.

For more information on California voting law, please refer to Information Bulletin 2024-DLE-11, dated October 4, 2024, titled “November 5, 2024, General Election – Protecting California Voters from Election Interference and Voter Intimidation and Deception,” and Information Bulletin 2024-DLE-04, dated February 28, 2024, titled “March 5, 2024 Presidential Primary Election – Protecting California Voters and Election Workers on Election Day and During Early Voting.” The California Secretary of State has also published guidance on ballot collection and voter intimidation.¹

This bulletin is for informational purposes only. Because it is a summary, it does not cover every aspect of the law addressed below.

RETURNING VOTE-BY-MAIL BALLOTS

The Elections Code permits voters to return their voted vote-by-mail ballots in the following ways:

- Returning the ballot by mail or in person to the elections official who issued the ballot. (Elec. Code, § 3017(a)(1)(A).)
- Returning the ballot in person to a member of a precinct board at a polling place or vote center within the state. (Elec. Code, § 3017(a)(1)(B).)
- Returning the ballot to an official vote-by-mail ballot drop-off location within the State that is provided pursuant to Elections Code section 3025 or 4005. (Elec. Code, § 3017(a)(1)(C).)

¹ California Secretary of State, CC/ROV Memorandum # 24202, “General Election: Unauthorized Ballot Drop Boxes and Ballot Return Requirements” (Sept. 17, 2024) <<https://elections.cdn.sos.ca.gov/ccrov/2024/september/24213ra.pdf>>; California Secretary of State, CC/ROV Memorandum # 24213, “General Election: Voter Intimidation; Prohibited Voter Challenges” (Sept. 27, 2024) <<https://elections.cdn.sos.ca.gov/ccrov/2024/september/24213ra.pdf>>.

- Entrusting their vote-by-mail ballot to a third party to return to the county elections official, subject to requirements set forth below. (Elec. Code, §§ 3011(a)(9), 3017(a)(2).)

Several requirements apply where a voter entrusts their voted ballot to another designated person to return to the county elections official:

- The designated person to whom the ballot is entrusted must include their name and signature on the vote-by-mail ballot return envelope as the person authorized to return the ballot. (Elec. Code, § 3011(a)(9).)
- The designated person must return the ballot in person, or put the ballot in the mail, no later than three days after receiving it from the voter or before the close of the polls on election day, whichever time period is shorter. (Elec. Code, § 3017(a)(2).)
- The designated person may not receive any form of compensation based on the number of ballots that the person returns, and no party may compensate them on this basis. (Elec. Code, § 3017(e)(1).)
- The designated person may not engage in other criminal acts related to that ballot. (Elec. Code, § 3017(e)(3).)

Failure to comply with these requirements may disqualify the ballot. (Elec. Code, § 3017(d).)²

The Elections Code also prohibits a variety of conduct relevant to the return of vote-by-mail ballots. For example:

- Anyone who fraudulently votes or attempts to vote, impersonates or attempts to impersonate a voter, or attempts to vote more than once by, for example, handing in multiple ballots folded together, is punishable by imprisonment for up to three years. (Elec. Code, § 18560.)
- Anyone who attempts to vote a vote-by-mail ballot by fraudulently signing the name of a regularly qualified voter, a person who is not qualified to vote, or a fictitious person is punishable by imprisonment for up to three years, or by a fine not exceeding one thousand dollars (\$1,000), or by both fine and imprisonment. (Elec. Code, § 18578.)
- Anyone who aids in changing or destroying an official ballot is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment for up to three years, or by both fine and imprisonment. (Elec. Code, § 18568(a).)

OFFICIAL BALLOT DROP BOXES AND UNOFFICIAL DROP-OFF CONTAINERS

The following covers only a few of the numerous official vote-by-mail ballot drop box requirements that are designed to ensure the safety and security of vote-by-mail ballots. (See, e.g., Elec. Code, §§ 3025–3025.7, 4005; Cal. Code Regs., tit. 2, §§ 20130–20138.)

² Notwithstanding this provision, a ballot will not be disqualified from being counted solely because it was returned or mailed more than three days after the designated person received it from the voter, provided that the ballot is returned by the designated person before the close of polls on election day. (Elec. Code, § 3017(a)(2).) Nor will it be disqualified solely because the person authorized to return it did not provide on the identification envelope their name and signature. (Elec. Code, § 3011(c).)

Only city and county elections officials may establish official ballot drop boxes. (Elec. Code, § 3025(a)(1).) The regulations promulgated by the Secretary of State’s office provide extensive requirements for the design, use, and security of vote-by-mail ballot drop boxes. (See generally Cal. Code Regs., tit. 2, §§ 20130–20138.) County elections officials determine the number, location, and hours of operation of all vote-by-mail ballot drop boxes based on various criteria and detailed chain of custody requirements for retrieval of ballots by authorized persons. (Cal. Code Regs., tit. 2, §§ 20133, 20135, 20136.)

The Elections Code prohibits certain conduct related to unofficial ballot drop off containers (i.e., ballot drop boxes not established by elections officials). For example:

- It is a crime to display a container to collect ballots with the intent to deceive any voter into casting a ballot into an unofficial container. Evidence of intent to deceive voters may include using the word “official” on the container or other features that are likely to deceive voters into thinking that an unofficial container is an official drop box approved by election officials. (Elec. Code, § 18568(g).)
- It is a crime to direct or solicit a voter to place a ballot in a prohibited container. (Elec. Code, § 18568(h).)

This conduct is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment for up to three years, or by both fine and imprisonment. (Elec. Code, § 18568.)

It is also a crime to aid or abet anyone in the commission of these offenses, punishable by imprisonment in the county jail for six months or in the state prison for up to three years. (Elec. Code, § 18569.)

If you have any questions, please contact:

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