

# CALIFORNIA: You Have the Right to Vote

## Frequently Asked Questions

### **Disclaimer:**

*This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The ACLU of California does not warrant any information contained in this guide or suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.*

### **Voters' Rights to Access the Polls on Election Day:**

#### **1. It is after 7:00 AM and the polling place is not open – what should I do?**

Contact your team leader.

#### **2. The polling place is open but the voting machines aren't here – what should I do?**

Contact your team leader.

Voters should be permitted to vote by back-up paper ballots or by provisional ballots if the machines are not functioning or not available.

#### **3. It's not 8:00 PM yet, but my precinct is closed or closing and they will not let people vote – what should I do?**

Contact your team leader.

#### **4. There are equipment problems at my precinct and voters cannot vote - what should I do?**

Contact your team leader.

Voters should be permitted to vote by a back-up paper ballot or by provisional ballot if the machines are not functioning or not available.

### **Identification and Provisional Ballots:**

#### **1. I do not have any identification with me. Can I vote?**

Yes. The ONLY time a voter may be asked to show any type of documentation is if the voter submitted a new registration by mail AND did not provide a driver license number, California identification number or the last four digits of his/her social security number on the registration form. In that circumstance ONLY the voter may be required to provide a form of identification or proof of residency when he/she votes in person or by mail. This does NOT have to be a photo ID. Acceptable forms of documentation include a passport, driver license, official state identification card, a student identification card showing your name and photograph, a copy of a recent utility bill, the sample ballot booklet you received from the county elections office or another document sent to you by a government agency.

## **2. Poll workers are turning voters away because they don't have photo ID – what should I do?**

Encourage the voter to go back inside the polling site and demand the right to vote by a REGULAR ballot. The ONLY time a voter in California is required to show any type of document before voting is if the person registered by mail AND did not provide their driver's license number, state identification number or last four digits of their social security number AND it is their first time voting in this county. In that instance, the voter may be asked for one of over 30 acceptable forms of identification or proof of residency, such as a utility bill or a check from the government. This does NOT have to be a photo ID.

If a voter is being asked to show identification or proof of residency for any reason other than the above limited circumstance, contact your Team Leader immediately.

## **3. I am a registered voter who is not on the rolls at my precinct. Can I vote?**

**Yes.** If a voters name does not appear on the rolls at his or her precinct, he/she has the right to cast a PROVISIONAL ballot. (See directly below for important information regarding provisional ballots.) This is not uncommon due to the volume of voters in California and the late registration closing date. When voting a provisional ballot, the voter must execute, in the presence of an elections official, a written affirmation stating that the voter is eligible to vote and registered in the county where the voter desires to vote. The voter will also provide as much information as possible to allow county officials to confirm that the voter is registered. However, casting a provisional ballot is a last resort, and before doing so the voter should attempt to determine whether s/he is in fact voting in the correct precinct and whether the voter is on the inactive voters roll.

## **4. I have been offered a provisional ballot. What should I do?**

Provisional ballots are a LAST resort because they must be checked later by the county election office to determine if they will be counted. Thus, voters should always request a REGULAR ballot first. However, the majority of provisional ballots ARE counted in California.

If the elections official refuses to give the voter a regular ballot, the voter should demand that the elections official explain the reason for such refusal. If the reason for such refusal is one of the following, then the voter should follow the elections official's instructions to vote the provisional ballot:

- there is a question about the voter's right to vote at the polling place, such as the absence of the voter's name on the voter rolls or a challenge, that cannot be resolved;
- the voter (1) is a first-time voter in this county who registered to vote by mail, (2) did not provide driver license number, California identification number or the last four digits of his/her social security number on the registration form, and (3) has no ID or proof of residence; or
- the voter moved within a county, but did not update his/her voter registration information to reflect the move and the voter wants to cast a ballot in the polling place for his NEW address;
- the voter requested a vote by mail ("VBM") ballot, but does not have it with him/her;
- the voter is voting during extended polling place hours as per court order;
- the voter is registered to vote, but is attempting to vote in a precinct different from the one in which the voter is registered or assigned; or

- the voter moved within a county, but did not update his/her voter registration information to reflect the move.

If the elections official gives the voter *any other reason* for refusing to give the voter a regular ballot, contact your Team Leader or Captain immediately so that an attorney can go to the precinct to check on the problem.

## **Where to Vote:**

### **1. Where do I vote (for voters who have not moved since they registered or last updated registration)?**

Polling place locations are coordinated by county elections offices. A voter's polling place will be listed on the back cover of his or her county sample ballot booklet. Or a poll worker should be able to tell the voter the correct polling place.

### **2. I moved from one address to another within the SAME county but did not update my address for voter registration purposes. Where should I vote?**

Voters can vote by PROVISIONAL ballot at the polling place for their NEW address, or at their county election official's office or other central location designated by that elections official. Voters will need to provide their new *and* prior addresses on the provisional ballot envelope, which will be verified after the election.

If a voter moved within 14 days before the election and did not inform his/her county election official of the change in address, he/she can vote at his or her OLD polling place by REGULAR ballot. At the polling place, the voter will need to file a change-of-address notice to indicating the new address.

However, if a voter has moved from his/her home into a temporary residence that s/he does not intend to use as a permanent residence, s/he can continue to use the prior permanent residence where s/he was previously registered to vote as his/her address for the purpose of voting.

### **3. I moved from one county to another county and I have not re-registered to vote. Where do I go to vote?**

A voter can vote by REGULAR ballot at the voter's OLD polling place ONLY IF the voter moved less than 14 days before the election.

If the voter moved from one county to another more than 14 days before the election and did not re-register to vote in the voter's new county, the voter may not vote in the election.

## **Assistance at the polls:**

### **1. I am physically disabled and need assistance; will my polling place be accessible?**

The back page of all sample ballots includes information about polling place accessibility. For polling places that do not meet accessibility requirements, voters will be allowed to vote "curbside" (outside of the poll location) if they cannot get inside the polling place because of architectural barriers or other limitations -- a poll worker will bring a ballot and punching device outside and assist the voter in casting the ballot. Voters also may be allowed to vote at the nearest accessible polling place.

If a polling place is not accessible and the poll workers will not provide assistance, immediately contact your Team Leader.



## **2. I am blind, physically disabled, or cannot read English and require assistance at the polls in order to vote. Can I get assistance at the polls?**

If a voter requires assistance at the polls due to blindness, disability, or inability to read or write in English, he/she may bring a person of their choice into the voting booth (except an employer, an agent of employer or agent of their union). All voters requiring assistance from a poll worker must take an oath stating the reason why assistance is required. Poll monitors can serve as assistants to disabled or language minority voters *if* asked to do so by the voter. Voter may also bring a friend or family member to assist them.

Contact your Team Leader immediately if a poll worker refuses to allow a disabled or language minority voter to bring a person of their choice into the voting booth.

### **Miscellaneous Issues:**

#### **1. I have been approached by candidates or others at the polls – is this OK?**

All electioneers or campaigners must stay at least 100 feet from the entrance to the polling place. As long as they comply with this rule, they can solicit voters. This applies to signage supporting a particular position as well as people.

If electioneers are violating the 100-foot requirement, contact your Election Protection Team Leader or call center Captain, let them know the extent of the problem and work with them to assess if calling an election official is necessary.

Poll monitors are permitted to approach voters as they exit the polls but may not interfere with access to the polling place.

#### **2. What if I requested a vote-by-mail ballot but I want to vote in person on Election Day?**

If a voter wants to vote in person at the polls on Election Day, s/he must return the UNVOTED vote-by-mail ballot to the poll officials. S/he will then be permitted to vote by REGULAR ballot.

If the voter cannot find (or never received) the vote-by-mail ballot, s/he can vote by PROVISIONAL ballot. After the election, if the election officials can confirm that the particular voter never received the vote-by-mail ballot, the provisional ballot should be counted.

#### **3. There are people or law enforcement at the polls trying to intimidate voters.**

Contact your Team Leader *immediately*.

