



State of California  
Office of the Attorney General  
**Venus D. Johnson**  
Chief Deputy Attorney General

March 1, 2024

Board Chair Kevin W. Crye  
County of Shasta Board of Supervisors  
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*Via Email:*

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RE: March 5, 2024 Primary Election

Dear Chair Crye and Supervisors:

We write to address two issues that have recently come to our attention arising in Shasta County: (1) the January 23, 2024 County Board of Supervisors' Resolution 2024-007 authorizing the carrying of concealed weapons on county property; and (2) the Shasta County Elections Commission's February 26, 2024 recommendation to the Board to count all election ballots by hand.

First, the Attorney General is aware that the Shasta County Board of Supervisors adopted Resolution 2024-007 on January 23, 2024, authorizing under Penal Code section 171b, subdivision (b)(4), the carrying of concealed weapons on county property, except where other laws would dictate otherwise:

... as the duly authorized official entity in charge of security of local County buildings, [the Board of Supervisors] permits and authorizes Shasta County Employees, all members of the public, including [active and retired peace officers], who possess a valid California Carry Concealed Weapons License (CCW) and registered, permitted firearm, to do so on County property, except where otherwise exempted by County Policy, State, and Federal Law.



Given the upcoming primary election on March 5, we write to remind the Board that state law prohibits firearms at or near polling places and locations where votes are being counted, and those laws remain in effect regardless of the Board's resolution. Specifically, Elections Code section 18544 prohibits anyone "in possession of a firearm" from being "in the immediate vicinity of, or posted at, a polling place without written authorization of the appropriate city or county elections official." A "'polling place' means a location where a voter casts a ballot," and includes, but is not limited to, a "poll, polling location, and vote center." (Elec. Code, §338.5.) The "elections official" referred to in section 18544 is the "county elections official, registrar of voters, or city clerk" (*id.*, § 18546, subd. (a)), and "immediate vicinity" of a polling place means at least 100 feet from a room where votes are being cast. (*Id.*, subd. (b).) And although the law provides for a few other narrow exceptions—for example, peace officers conducting official business, or private security hired by an elections official—there is no allowance for possession outside the statutorily specified circumstances. (*Id.*, § 18544, subd. (b).)

California's Penal Code also prohibits the carrying of firearms into "a polling place, voting center, precinct, or other area or location where votes are being cast or cast ballots are being returned or counted, or the streets or sidewalks immediately adjacent to any of these places." (Pen. Code, § 26230, subd. (a)(25).)

Thus, aside from narrow exceptions that are inapplicable here, California law clearly and explicitly prohibits any person with a firearm—including those with CCW permits—from entering or being near polling places, vote centers, or locations where cast ballots are being returned or counted, notwithstanding the Board's resolution. (Elec. Code, §18544, subd. (a); Pen. Code, §26230, subd. (a)(25).) In addition to the laws expressly prohibiting possession of a weapon at or near polling places, several Elections Code sections also prohibit interference with elections and voter intimidation. (Elec. Code, §§ 18502, 18540, 18541, 18543, 18545.) Penal Code section 171b, subdivision (b)(4) does not override, supersede, or otherwise allow an exception to any of these prohibitions.

We note that the Board's resolution appears to have been motivated by its contention that Senate Bill 2 (which added section 26230 to the Penal Code) is unconstitutional. That is a question for the courts to decide. Although a federal district court has temporarily enjoined some aspects of section 26230's prohibitions on carrying firearms into defined "sensitive places" while the merits of constitutional challenges are being litigated, the court has left untouched California's prohibition against carrying firearms at or near voting and vote-counting locations, among other sensitive places. (Pen. Code, § 26230, subd. (a)(25).)

Plainly stated, California's laws against possessing firearms at or near polling locations are fully in force, and offenses are punishable by both fines and imprisonment.


A copy of the California Department of Justice's February 28, 2024 Information Bulletin concerning elections and elections law, which includes a discussion of the laws prohibiting voter intimidation and possession of firearms at or near polling places, is attached for your reference.

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Second, the Attorney General is also aware that on February 26, 2024, the Shasta County Elections Commission submitted a recommendation to the Board that "there should be a local ordinance mandating that Shasta County conduct [its] elections using hand counting of ballots at the precincts with paper poll books." That recommendation was made despite the provisions of Assembly Bill 969, which prohibit a manual vote count in an election with over 1,000 registered voters. (Elec. Code, § 15270.1, subd. (b).) We anticipate and expect that the Board of Supervisors and the County Registrar will comply with California law and follow state election procedures, notwithstanding the Commission's recommendation.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,



VENUS D. JOHNSON  
Chief Deputy Attorney General

cc: Secretary of State Shirley N. Weber, Ph.D.  
Shasta County Sheriff Michael Johnson  
Shasta County Clerk/Registrar of Voters Cathy Darling Allen

Enclosure