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# California

*Help America Vote Act  
(HAVA) Complaint  
Process Guide*

*Provided by*

VOTER  
REFERENCE   
FOUNDATION

# State Guide to HAVA & Election Complaint Process

This is a guide to your state's laws relating to the Help America Vote Act (HAVA) and other election related complaints.

The statutes/codes cited in this guide may not be the most recent version. States may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained in the individual state guides or the information linked to on the state site.

This guide was last updated on 03/03/2024.

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# **What is the Help America Vote Act (HAVA)?**

[Link to HAVA Statute](#)

[Link to Election Assistance Commission](#)

According to the EAC.gov website:

The Help America Vote Act (HAVA) of 2002 was passed by the United States Congress to make sweeping reforms to the nation's voting process. HAVA addresses improvements to voting systems and voter access that were identified following the 2000 election. HAVA mandates that EAC test and certify voting equipment, maintain the National Voter Registration form and administer a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections.

HAVA creates new mandatory minimum standards for states to follow in several key areas of election administration. The law provides funding to help states meet these new standards, replace voting systems and improve election administration. HAVA also established the Election Assistance Commission (EAC) to assist the states regarding HAVA compliance and to distribute HAVA funds to the states. EAC is also charged with creating voting system guidelines and operating the federal government's first voting system certification program. EAC is also responsible for maintaining the National Voter Registration form, conducting research, and administering a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections. HAVA requires that the states implement the following new programs and procedures:

- Provisional Voting
- Voting Information
- Updated and Upgraded Voting Equipment
- Statewide Voter Registration Databases
- Voter Identification Procedures
- Administrative Complaint Procedures

# How do I file a HAVA complaint?

[Link to HAVA Complaint Process](#)

[Link to Form](#)

Any person who believes that there has been a violation, there is a violation, or a violation is about to occur of any provision of Title III may file a complaint.

Writing and Notarization. As required by HAVA, a complaint shall be in writing and notarized, signed and sworn by the Complainant.

A complaint shall be filed within 60 days after the occurrence of the actions or events that form the basis for the complaint, or within 90 days after the Complainant becomes aware of the actions or events, whichever is later.

# How do I file a non-HAVA election complaint?

[Link to Complaint Process](#)

[Link to Complaint Form](#)

Investigative Services investigates election related criminal violations, as provided by the California Elections Code.

View some of the more [common Elections Code violations](#) or view all of the penal provisions of the [Elections Code \(sections 18000 through 18700\)](#).

If you believe that you are a victim of election fraud or have witnessed a criminal violation of the California Elections Code, you may use the [Election Voter Complaint Form](#) to report the violation to our office.

# Who can I contact regarding an election related complaint?

<b>Secretary of State's Office—Elections Division</b>	
<b>Physical Address:</b>	1500 11th Street, 5th Floor Sacramento, CA 95814
<b>Mailing Address:</b>	California Secretary of State Elections Division 1500 11th Street, 5th Floor Sacramento, CA 95814
<b>Phone Number:</b>	916-657-2166
<b>Fax Number:</b>	916-653-3214
<b>Email Webform:</b>	<a href="https://www.sos.ca.gov/elections/contact/email-elections-division">https://www.sos.ca.gov/elections/contact/email-elections-division</a>
<b>Complaint Webform</b>	<a href="https://www.sos.ca.gov/elections/election-voter-complaint-form">https://www.sos.ca.gov/elections/election-voter-complaint-form</a>