

**CALIFORNIA CODE OF REGULATIONS
TITLE 2. ADMINISTRATION
DIVISION 7. SECRETARY OF STATE
CHAPTER 1. VOTER REGISTRATION
ARTICLE 3.5. CONDITIONAL VOTER REGISTRATION
[ALL NEW TEXT]**

20020. Purpose.

The purpose of this Article is to provide standards and procedures related to Conditional Voter Registration (CVR), as established by Chapter 2 of Division 2 of the California Elections Code.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 2170, 2171, 2172, and 2173, Elections Code. Reference: Sections 2170, 2171, 2172, and 2173, Elections Code.

20021. Definitions.

(a) “Conditional voter registration” has the same meaning as set forth in Elections Code section 2170(a).

(b) A “CVR voter” is a person who, on Election Day or the fourteen (14) days immediately preceding Election Day, does both of the following:

(1) Delivers an executed affidavit of registration to the county elections official in order to register to vote in California for the first time, or re-register to vote in the same or a different county in California. The executed affidavit of registration can be submitted either in person at the office of the county elections official, at a vote center, or at a satellite office designated by the county elections official or online through the Internet Web site of the Secretary of State.

(2) Requests a CVR provisional ballot at the office of the county elections official, at a vote center, or at a satellite office designated by the county elections official.

(c) A “CVR provisional ballot” is the type of provisional ballot issued to a CVR voter.

(d) “Satellite office” has the same meaning as “satellite location,” as used in subdivision (b) of Elections Code section 3018.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 2170, 2171, 2172, 2173, and 2196, Elections Code. Reference: Sections 2170, 2171, 3018, 4005, 4007, 14310, and 14311, Elections Code.

20022. Affidavit of Registration.

To conditionally register to vote, CVR voters shall use the same affidavit of registration as other voters—either a paper form or online through the Internet Web site of the Secretary of State.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 2170, 2171, 2172, 2173, and 2196, Elections Code. Reference: Sections 2150, 2151, 2152, 2156, 2157, 2170, 2171, and 2196, Elections Code.

20023. Availability of Conditional Voter Registration; 14-Day Notice to Secretary of State.

(a) County elections officials shall offer CVR and CVR provisional voting at all permanent offices of the county elections official.

(b) In an election that is conducted using vote centers, the county elections official shall offer CVR and CVR provisional voting at all vote centers.

(c) In an election that is not conducted using vote centers:

(1) The county elections official may offer CVR and CVR provisional voting at satellite offices designated by the county elections office. If a county intends to use a satellite office(s) for CVR, the county shall notify the Secretary of State no later than 14 days prior to voting and provide the location, operating hours, and contact information. The Secretary of State shall post that information on the Secretary of State Web site.

(2) CVR and CVR provisional voting may be offered at a polling place only if the county elections official has designated that specific polling place as a satellite office, as provided in (c)(1) above.

(d) Locations identified in (a)-(c) above, where CVR and CVR provisional voting is offered shall have the following:

(1) An electronic poll book, access to the county’s local election management system, in whole or in part, or the means to otherwise provide the CVR voter with the ballot for the proper precinct in which the voter is entitled to vote.

(2) A ballot on-demand printing system or access to all ballot styles utilized in the specific election.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 2170, 2171, 2172, 2173, 4005(a), 4007, and 14279 Elections Code. Reference: Sections 2170, 2171 and 14310, Elections Code.

20024. Conditional Voter Registration Provisional Ballot Envelope.

CVR provisional ballot envelopes shall look visibly different from other all other ballot envelopes. The visual difference can include, but is not limited to, different envelope color or a stamp or other marking mechanism used on CVR provisional ballot envelopes.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 2170, 2171, 2172, and 2173, Elections Code. Reference: Sections 2170, 2171 and 14310, Elections Code.

20025. Conditional Voter Registration Provisional Ballot Processing and Return Statuses.

If a voter’s conditional voter registration is deemed effective pursuant to Elections Code section 2170, the county elections official shall process the voter’s CVR provisional ballot as provided in this section.

(a) To the extent feasible and when applicable, a county elections official shall verify that all other counties have applied polling place voter participation history before adjudicating their CVR provisional ballots.

(b) The county elections official shall immediately upon adjudication of the voter's CVR provisional ballot, enter into the statewide voter registration system a ballot return status and reason code.

(c) The ballot return status of a ballot shall be indicated as either:

- (1) "Counted," or
- (2) "Not Counted."

(d) If the voter is registering for the first time in California, the county elections official shall assign the CVR provisional ballot:

- (1) A ballot return status of "Counted" or "Not Counted," and
- (2) An appropriate reason code in accordance with section 20026 if the ballot status is "Not Counted."

(e) If the voter is re-registering in California, the county elections official shall:

- (1) Conduct research using the statewide voter registration system to determine if the CVR provisional ballot shall be "Counted" or "Not Counted."
- (2) Assign the CVR provisional ballot a ballot return status of "Counted" or "Not Counted."
- (3) Assign an appropriate reason code in accordance with section 20026 if the ballot return status is "Not Counted."

(f) CVR provisional ballot information referred to in (d) and (e) above, indicating whether a CVR provisional ballot is counted or if it is not counted and the reason why it was not counted, shall be displayed on the Secretary of State's "My Voter Status" page, along with the voter participation history.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 2170, 2171, 2172, and 2173, Elections Code. Reference: Sections 2170, 2171, and 14310 Elections Code.

20026. Conditional Voter Registration Provisional Ballot Reason Codes.

(a) For all CVR provisional ballots where the ballot return status is "Not Counted," an appropriate reason code shall be assigned by the county elections official.

(b) If a CVR provisional ballot has not had a final adjudication, the county election official shall assign a temporary reason code of "In review." Upon the final adjudication of the ballot, "In review" shall be replaced with either a ballot return status of "Counted" or with a reason code for "Not Counted" as provided in subdivisions (c) and (d) below.

(c) A county elections official shall not count a CVR provisional ballot and shall assign the ballot a status of "Not Counted" with one of the reason codes listed below:

(1) "Voter already voted." This reason code shall be used when the voter has an accepted or counted ballot in California for that election, when the voter has previously:

- (A) voted at a location as provided in Elections Code section 338.5,
- (B) returned a vote-by-mail (VBM) ballot in California that was accepted by a county elections official,
- (C) returned a provisional ballot that has been processed and counted in the same or another county, or

(D) returned a CVR provisional ballot that has been processed and counted in the same or another county.

(2) "No voter signature." This reason code shall be used when the voter did not provide a signature on the CVR provisional ballot envelope.

(3) “Non-matching signature.” This reason code shall be used when the voter provided a signature on the CVR provisional ballot envelope that did not compare to the signature on file with the county.

(4) “Ballot missing from envelope.” This reason code shall be used when the CVR provisional ballot envelope did not contain a ballot.

(5) “Voter not registered.” This reason code shall be used when the voter’s record is in a deficient status pursuant to Elections Code section 2150 et seq., which means the registration does not contain the facts necessary to determine eligibility to vote, including name, place of residence and date of birth.

(6) “Envelope was incomplete and/or illegible.” This reason code shall be used when the substantive information provided on the CVR provisional ballot envelope was missing or unclear.

(7) “Please contact your county for further information.” This reason code shall be used when the county rejection reason is not “In review” or as provided in (c)(1-6) above.

(d) The following additional reason codes apply to provisional ballots cast pursuant to Elections Code section 14310, but are not applicable to CVR provisional ballots:

(1) “Voted in wrong county.”

(2) “Voted wrong ballot.”

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 2170, 2171, 2172, and 2173, Elections Code. Reference: Sections 2170, 2171, and 14310, Elections Code.

20027. Voter Participation History.

(a) Voter participation history shall be entered by the county elections official for each voter that has participated in a specific election and shall accurately indicate the method of participation as early, vote-by-mail, polling place, vote center, or CVR.

(b) The county elections official shall immediately enter the voter participation history into the statewide voter registration system upon final adjudication of the voter’s ballot, but no later than the 31st day after the election.

(c) Voter participation history shall be displayed on the Secretary of State’s “My Voter Status” page.

Note: Authority cited: Section 12172.5, Government Code; and Sections 10 and 2170, 2171, 2172, and 2173, Elections Code. Reference: Sections 2170, 2171, 14310, and 15375, Elections Code.