

**California Secretary of State**  
**Proposed Regulatory Action: Statewide Voter Registration System**  
**Addendum to Initial Statement of Reasons**

**Documents Relied Upon in Preparing the Regulations:**

- Brennan Center for Justice report titled “Preparing for Cyberattacks and Technical Failures: A Guide for Elections Officials”
- Election Security Advance Planning Checklist prepared by Brennan Center for Justice
- Election Security Recourse Library developed by the Department of Homeland Security
- CIS Critical Security Controls, 41st Edition (dated Winter, 2016)

**The factual basis and rationale the following sections of the proposed regulations are modified as follows:**

Unless otherwise stated, these comments address updates to the originally proposed text pursuant to the Modifications to the Proposed Text, which was submitted for a 15-day public comment on June 29, 2020.

**Section 19060. Purpose**

The authority and reference citation is standardized. This is a non-substantive change.

**Section 19061. Immediate Action Required**

The word “law” in the first sentence is replaced to clarify which laws are being referenced. The laws listed are state or federal statutes, state or federal regulations, and binding court decisions. These specific laws are listed since any one of these would be more binding on a county elections official’s requirement to modify a voter’s registration than this provision of these regulations.

The authority and reference citation is standardized. This is a non-substantive change.

**Section 19062. Definitions**

Subdivision (a) – The word “who” is inserted as a non-substantive grammatical correction.

Subdivision (b) – The word “as” is inserted as a non-substantive grammatical correction.

Subdivision (g) – The words “Secretary of State” are removed from the name of the document incorporated by reference. The title to this document does not include “Secretary of State.” This term was included in error in the originally proposed text of regulations.

Subdivision (m) – The text in this subdivision is unchanged from the originally proposed regulation text. Additional clarification of this definition is provided here. A high confidence match occurs in the statewide voter registration system when two voter records are identified

according to certain criteria that indicates a high degree of confidence that the two records belong to the same voter. This can occur for records in the same county or across county lines. It is possible for more than two records to belong to the same voter, and for the statewide voter registration system to identify those records as all belonging to the same voter. In this case, multiple matches of two records would occur. The definition lists certain criteria the statewide voter registration system uses to identify records belonging to the same voter. This is a non-exhaustive list of criteria because the Secretary of State may modify these criteria to ensure only records with a high degree of confidence are identified.

Subdivision (p) – The text in this subdivision is unchanged from the originally proposed regulation text. Additional clarification of this definition is provided here. This definition incorporates a document by reference, so that any time the term “Integration Specifications” is used in these regulations, it is known to refer to that document. That incorporate document is highly technical, and as such is incorporated as a separate document so that the technical discussion does not confuse readers of these regulations not involved in the detailed technical aspects of the statewide voter registration system. These incorporated specifications describe how the statewide voter registration interacts with county EMSs. The components of this document are unique to the statewide voter registration system and how it interacts with county EMSs. This document was created through collaborative efforts of the SOS and county EMS vendors to meet the specific needs of the relationship between these systems. It is necessary to incorporate this specific document, as opposed to any other, due to its one-of-a-kind nature and to ensure its components are adhered to, to ensure the proper functioning of the systems.

Subdivision (u) – The text in this subdivision is unchanged from the originally proposed regulation text. Additional clarification of this definition is provided here. A potential match occurs in the statewide voter registration system when two voter records are identified according to certain criteria that indicates the potential that the two records belong to the same voter. This can occur for records in the same county or across county lines. It is possible for more than two records to belong to the same voter, and for the statewide voter registration system to identify those records as potentially all belonging to the same voter. In this case, multiple matches of two records would occur. The definition lists certain criteria the statewide voter registration system uses to identify records potentially belonging to the same voter. This is a non-exhaustive list of criteria because the Secretary of State may modify these criteria to ensure only records that potentially belong to the same voter are identified.

The authority and reference citation is standardized. This is a non-substantive change.

### **19063. Communication between the Statewide Voter Registration System and the County**

The text in this section is unchanged from the originally proposed regulation text. Additional clarification is provided here. Messages are sent between the statewide voter registration system and EMSs by electronic means through secure communication channels. These are not e-mails. The statewide voter registration system utilizes integration services to provide the messaging capability between the statewide voter registration system and the EMSs. The statewide voter registration system implements these integration services as web services in the integration layer

of the statewide voter registration system application. This method of transmitting data allows near real time communication between the two systems.

The authority and reference citation is standardized. This is a non-substantive change.

#### **19064. County Security**

Subdivision (a) – The reference to government standards and practices is removed as it was not referring to specific requirements. This subdivision is rephrased to clarify that the method of protecting the data and the election information system shall be done by utilizing system hardening, a term general and commonly understood among information security professionals and do not require definition or reference to specific standards. The phrase “diversity of design” is replaced with “resilient architecture by means of redundancy, high availability, or other fault-tolerant methodologies” to clarify that requirement and avoid any ambiguity of the term previously used. This change was made to clarify the standards applicable to this subdivision. The purpose and necessity of this subdivision is unchanged, notwithstanding these changes.

Subdivision (b) – The text in this subdivision is unchanged from the originally proposed regulation text. Additional clarification is provided here. Training in accordance with the State Administrative Manual and the Information Practices Act of 1977 is adopted for conformity, to ensure that each county conducts similar training. The Secretary of State identified these training processes as appropriate for county staff and contractors interacting with the statewide voter registration system. This keeps the training requirements consistent with what State of California departments and agencies are required to follow. We are also refraining from specifying the technology, methods, or provider of the training to allow for county flexibility in complying with this requirement.

Subdivision (c) – The term “active” is added to “management” in paragraphs (6), (9), and (18). This change was made to standardize the term “active management” throughout this subdivision and to avoid any confusion in instances where different terms were used.

Subdivision (c) – In paragraph (3), the clause “using a rigorous configuration management and change control process” is removed as this phrase could be ambiguous and subject to misinterpretation, absent definitions of terms in this clause. This paragraph continues to accurately state its original purpose without that clause.

Subdivision (c) – In paragraph (10), we clarified how often backups should be conducted, and clarified that the backups apply to data rather than “information.” The 24 hour requirement is a minimum. We could not identify an industry standard on this – it is not a one-size-fits all solution and thus varies for each customer – it becomes a cost-benefit problem for whomever is responsible for the data. Counties that are larger have their own incentives to improve on that standard as they’ll be the most familiar with the pain/cost of recovery. We clarified that counties of more than 50,000 voters should backup more often, but did not require this given that each county has unique circumstances for determining the appropriate backup period. We referenced county voter population to the most recent Report of Registration as this is a reasonable count of

voters that is easy to identify and is set in time. We clarified where backups should be located to ensure backups would not be corrupted by issues affecting live data.

Subdivision (c) – In paragraph (11), the phrase “using a rigorous configuration management and change control process” is removed as this phrase could be ambiguous and subject to misinterpretation, absent definitions of terms in this clause. This paragraph continues to accurately state its original purpose without that clause.

Subdivision (d) – In paragraph (10), a clause is added to clarify how and why the Secretary of State would approve alternative backup methods. This addition was done to clarify the process. No specific guidelines are referenced since, as the new clause states, this determination is done on a case by case basis.

Subdivision (e) – Two non-substantive grammatical changes are made to clarify the requirement.

The authority and reference citation is standardized. This is a non-substantive change. Two references are also removed as they are not required to be listed as reference; they are stated in the regulatory text in the appropriate location.

#### **19065. Data Restoration after a Recovery Event**

The authority and reference citation is standardized. The appropriate section is added for one reference as it had been omitted in error in the originally proposed regulation text. This is a non-substantive change.

#### **19066. EMS Certification**

Subdivision (b) – In paragraph (1), the term “Secretary of State” is removed from the name of the document incorporated by reference. The title to this document does not include “Secretary of State.” This term was included in error in the originally proposed text of regulations. The date of the document incorporated reference is also added in lieu of a version number to comply with the Administrative Procedure Act. Several changes are also made to the incorporated document to clarify certain requirements (for example, by changing “should” to “shall” throughout) and to correct some grammatical errors. The document date is also added to the application so that it can be properly identified as referenced by the regulations, and to ensure version control.

The authority and reference citation is standardized. This is a non-substantive change.

#### **19067. Certified EMS**

Subdivision (a) – The text in this subdivision is unchanged from the originally proposed regulation text. Additional clarification is provided here. The regulations require a certified EMS vendor to annually certify to five activities to ensure their EMS remains able to properly interact with the statewide voter registration system, including any system change requests, and compliant with relevant laws. The documents incorporated by reference provide technical detail of requirements EMS vendors must annually certify to. If an EMS vendor did not comply with

each of these that could create problems for the functionality of the statewide voter registration system and operation of statewide elections.

Subdivision (b) – The words “every three (3) months” are changed to “monthly” to conform to the timeframe county elections officials are required to complete synchronization checks pursuant to section 19083. This change is necessary to ensure EMS vendors support county elections officials as they complete the synchronization checks required by these regulations.

Subdivision (d) – In paragraph (1), the words “of notification” are added after the timeline for providing a solution or workaround to a critical bug to clarify when the time period for this action begins. Requiring that this be done within two business days of notification is necessary so that the solution or workaround is done in an expedient manner, to prevent incorrect data from being sent to the statewide voter registration system.

The authority and reference citation is standardized. This is a non-substantive change.

### **19068. EMS Changes**

Subdivision (a) – A clause is added to clarify when EMS changes may be done during the period 60 days prior to a statewide election. This clarification is necessary to state that changes should only be made when they are necessary to conduct the election. A paragraph reference is also added to clarify what timelines apply to this requirement. Without this paragraph reference, the regulations were potentially unclear.

Subdivision (c) – A duplicate paragraph number for paragraph (2) is removed. This is a non-substantive change to correct a drafting error in the originally proposed text of regulations.

The authority and reference citation is standardized. This is a non-substantive change.

### **19069. EMS Certification Revocation**

The term “revocation” is standardized throughout this section, replacing uses of the word “withdrawal.” The two terms were used interchangeably in the originally proposed text of regulations, but using these two terms could have led to confusion.

A sentence is added to clarify when the Secretary of State may pursue EMS certification revocation. This sentence is necessary to state when revocation may occur, to provide clarity to the regulated community.

Additional clarification is provided here with respect to the six month period before any statewide election during which EMS revocation will not occur; this text is unchanged from the originally proposed regulation text. This six month period is necessary to ensure that a county using an EMS subject to certification revocation will not lose their EMS leading up to an election. Six months is a reasonable minimum amount of time for a county to adopt a new EMS.

The authority and reference citation is standardized. This is a non-substantive change.

#### **19070. County Change in EMS Vendor**

The authority and reference citation is standardized. This is a non-substantive change. One reference is removed as it was not relevant to this section and had been included in the originally proposed text of regulations in error.

#### **19071. Required Registration Information**

The authority and reference citation is standardized. This is a non-substantive change.

#### **19072. Deficient Registration Records**

The authority and reference citation is standardized. This is a non-substantive change.

#### **19073. Verification of Voter Identity**

Subdivision (d) – A sentence is added to state when and why the identification requirements of Section 19075 will not apply. This sentence clarifies the remainder of this subdivision, resolving an ambiguity in the use of the word “may” in describing when Section 19075 applies.

The authority and reference citation is standardized. This is a non-substantive change.

#### **19074. Missing Driver License Number, State Identification Number, and Social Security Number from an Affidavit of Registration**

The authority and reference citation is standardized. This is a non-substantive change.

#### **19075. Additional Identification or Residency Verification to Vote in Federal Elections**

The authority and reference citation is standardized. This is a non-substantive change.

#### **19076. Voter Registration Effective Dates**

Subdivision (c), Paragraph (1) – This paragraph is unchanged from the originally proposed regulatory text, but clarification is added here. It is necessary for counties to process paper affidavits of registration missing signatures in a consistent manner (with all counties processing them the same) so that voters throughout the state have the same right to vote in an upcoming election regardless of which county processes their affidavit missing a signature. This consistency provides a uniform expectation of voting rights throughout the state. This paragraph provides that voters who submit a timely and otherwise complete affidavit that is missing a signature may make that affidavit effective for the upcoming election even if they provide a signature after the close of registration; without this provision, a county elections official may give an effective date of the date of signing, which may make the voter ineligible to vote in an upcoming election. It is necessary to specifically clarify how missing signatures should be handled to address concerns by county elections officials that this issue is not directly addressed

in statute. Elections Code sections 2153 and 2154 directly address other missing information, but not how to handle missing signatures. The SOS, in consultation with county elections officials, developed an expectation that voters should be able to provide their signature after the close of registration and still be able to vote in an upcoming election. This is consistent with Elections Code section 2105, which states a legislative intent “that voter registration be maintained at the highest possible level.” This provision also ensures conformity between paper affidavits of registration and those submitted through online voter registration, as described in subdivision (d), so that voters who register by either format have the opportunity to provide their signature and be eligible to vote in an upcoming election.

Subdivision (c) – In paragraph (2), the word “which” replaces “that” as a non-substantive grammatical change.

Subdivision (d) – This subdivision is unchanged from the originally proposed regulatory text, but clarification is added here. It is necessary for counties to process affidavits of registration submitted through online voter registration missing signatures in a consistent manner (with all counties processing them the same) so that voters throughout the state have the same right to vote in an upcoming election regardless of which county processes their online affidavit missing a signature. This consistency provides a uniform expectation of voting rights throughout the state. The reasons for this provision are similar to those detailed in the purpose and necessity of Subdivision (a), Paragraph (1), above. Additionally, some voters may not be able to provide electronic signatures through online voter registration if the statewide voter registration system cannot access their signature through the DMV. This can occur if the voter does not provide a California drive license number, if the DMV cannot identify the voter’s driver license information, and if the connection between the statewide voter registration system and the DMV is experiencing issues. Allowing voters to provide that signature at a later date recognizes the timeliness of their attempt to register to vote online with the legislative intent in Elections Code section 2105 and SOS guidance to county elections officials that voters be eligible to vote.

Subdivision (e) – Two non-substantive grammatical changes are made.

Subdivision (f), Paragraph (1) – This paragraph is unchanged from the originally proposed regulatory text, but clarification is added here. It is necessary for counties to process DMV affidavits of registration missing signatures in a consistent manner so that voters throughout the state have the same right to vote in an upcoming election regardless of which county processes their affidavit missing a signature. This consistency provides a uniform expectation of voting rights throughout the state. This paragraph provides that voters who submit a timely and otherwise complete affidavit that is missing a signature may make that affidavit effective for the upcoming election even if they provide a signature after the close of registration; without this provision, the affidavit would take on an effective date of the date of signing, which may make the voter ineligible to vote in an upcoming election.

Subdivision (f) – In paragraph (2), the word “which” replaces “that” as a non-substantive grammatical change. Additionally, clarification is added here to address the purpose and necessity of this paragraph. For similar reasons detailed in the purpose and necessity of Subdivision (a), Paragraph (1), above, it is important for voters whose signature was not obtained

prior to the close of registration, but whose registration is otherwise valid pursuant to Elections Code sections 2153 and 2154, be eligible to vote in an upcoming election even if a county elections official does not obtain their signature until after the close of registration.

Subdivision (g) – This subdivision is unchanged from the originally proposed regulatory text, but clarification is added here. It is necessary for counties to process affidavits of registration accepted by a VRA in a consistent manner (with all counties processing them the same) so that voters throughout the state have the same right to vote in an upcoming election regardless of which county processes their affidavit missing a signature. This consistency provides a uniform expectation of voting rights throughout the state. This provision gives a clear expectation to county elections officials of the effective date to use for a VRA affidavit missing a VRA date stamp; without this provision, some counties might process these affidavits in different manners, potentially (dis)enfranchising voters in an inconsistent manner. Additionally, this subdivision links the statutory requirements in Elections Code sections 2102 and 2154. Elections Code section 2102(a)(2) provides that an affidavit of registration submitted to a VRA before the close of registration be treated as effective upon receipt by the county elections official. Elections Code section 2154(c) presumes that an affidavit of registration is effective as of close of registration if no execution date is shown. Finally, this implements legislative intent consistent with Elections Code section 2105, which states a legislative intent “that voter registration be maintained at the highest possible level.”

Subdivision (h) – This subdivision is unchanged from the originally proposed regulatory text, but clarification is added here. This subdivision provides that voters who register to vote pursuant to Elections Code section 3402 (new residents) shall be registered effective as of the date of close of registration, even if they submit the affidavit after that date. This allows such voters to vote in an upcoming election as if they had been registered at the close of registration date. This provision encourages voting for new residents. This provision is necessary so that all counties give similar effective dates for such voters, enfranchising all such voters equally throughout the state.

Subdivision (i) – This subdivision is unchanged from the originally proposed regulatory text, but clarification is added here. This subdivision provides that voters who register to vote pursuant to Elections Code section 3500 (new citizens) shall be registered effective as of the date of close of registration, even if they submit the affidavit after that date. This allows such voters to vote in an upcoming election as if they had been registered at the close of registration date. This provision encourages voting for new citizens. This provision is necessary so that all counties give similar effective dates for such voters, enfranchising all such voters equally throughout the state.

Subdivision (j) – This subdivision is unchanged from the originally proposed regulatory text, but clarification is added here. This provision states that pre-registered voters (voters who are not yet 18) are considered registered voters if their 18<sup>th</sup> birthday occurs within the 60 days leading up to an election. This allows such pre-registrants to be included in active voter lists. This allows county elections officials to include these pre-registrants in rosters and other election-related lists and for third parties accessing voter registration information under Elections Code section 2194 to obtain information on these pre-registrants. This 60-day period is a reasonable balance of protecting pre-registrants while allowing them to fully participate in an election by being



included on relevant lists and potentially being contacted by third parties, such as candidates running for office in the pre-registrants' jurisdictions.

Subdivision (m) – This subdivision is added to clarify the registration effective date for an instance not included in the original proposed regulatory text. This subdivision addresses the instance when a voter changes their address within the same county or political party preference anywhere in the state without submitting a complete affidavit of registration. This subdivision is necessary to ensure county elections officials know how to process these type of registration changes, and to ensure conformity of effective dates of such registration changes throughout the state.

Subdivision (n) – This subdivision is added to clarify the registration effective date for an instance not included in the original proposed regulatory text. This subdivision is added to clarify the effective date of changes in a voter's registration status from inactive to active as a result of the voter confirming their registration record on the internet website of the Secretary of State. This subdivision is necessary to ensure county elections officials know how to process these type of registration changes, and to ensure conformity of effective dates of such registration changes throughout the state.

The authority and reference citation is standardized. This is a non-substantive change. One additional reference was added to reflect the addition of subdivision (m).

### **19077. Matching Criteria**

The authority and reference citation is standardized. This is a non-substantive change.

### **19078. National Change of Address Processing**

Subdivision (a) – The clause stating that the Secretary of State shall not conduct certain activities during the 90 days prior to a federal election is removed. This change is necessary to clarify that the Secretary of State will continue to provide National Change of Address data to counties on a monthly basis at all times, including the 90 days prior to an election. The Secretary of State had previously stopped this function during this 90-day period, as reflected in existing regulation section 20108.50 that is being revoked by these regulations. This change ensures that the Secretary of State will continue to send this data to county elections officials at all times. This change is necessary to ensure counties maintain accurate voter registration databases, which will then be reflected in the statewide voter registration system, at all times including the period leading up to an election.

Subdivision (b) – The word “county” is added before “elections official” to standardize the use of this term and conform to the definition in Section 19062. The use of the term “elections official” without the word “county” was done in error in the originally proposed text of regulations.

The authority and reference citation is standardized. This is a non-substantive change.

### **19079. State Death and Felony Status Records**

The authority and reference citation is standardized. This is a non-substantive change.

### **19080. DMV Change of Address Notification**

Subdivision (c) – One non-substantive grammatical change is made to the section reference.

Subdivision (d) – This subdivision is unchanged from the originally proposed regulatory text, but clarification is added here. Paragraph (2) describes the method for reversing a DMV COA potential match after 24 hours. This 24 hour period is a feature of the statewide voter registration system: after 24 hours, a match accepted by a county becomes permanent and cannot be reversed by the county EMS. Only Secretary of State staff can reverse this action. This requirement describes the process for reversing a match based on the time period, rather than not allowing county staff to take action after 24 hours that it would otherwise be able to do. The Secretary of State Elections Division Help Desk must be notified so that they can take actions to reverse an incorrect match that has been rendered permanent after 24 hours.

The authority and reference citation is standardized. This is a non-substantive change.

### **19081. Inactivating and Cancelling Voters**

Subdivision (a) – Language is added to conform the proposed regulatory text to related statutory language. This additional language clarifies additional instances that statute requires county elections officials to send certain notices to voters. This change is necessary to capture the entire statutory requirement and avoid confusion among county elections officials reading this regulatory requirement. Additionally, the word “substantially” is removed regarding how county elections officials shall comply with Section 8(d)(2) of the NVRA. This was done to remove ambiguity about what requirements of that provision of the NVRA should be complied with and what may not need to be complied with. In fact, county elections officials must fully comply with that provision of the NVRA.

Subdivision (a), paragraph (1) – This paragraph is added to the originally proposed regulation text to clarify the instance in statute when a county elections official shall not send the notice required by subdivision (a). This change is necessary to capture the entire statutory requirement and avoid confusion among county elections officials reading this regulatory requirement. Additional language is added to indicate when this requirement not to send a notice is superseded by other activities. This requirement ensures that voters who should be sent a notice to verify their registration status continue to receive this notice in certain circumstances, even when they have taken some actions that may indicate their voter registration is active. This requirement is necessary to ensure the accuracy of the statewide voter registration system.

The authority and reference citation is standardized. This is a non-substantive change.

### **19082. Confidential Voters**

The authority and reference citation is standardized. This is a non-substantive change.

### **19083. Synchronization**

Subdivision (b) – This subdivision is unchanged from the originally proposed regulatory text, but clarification is added here. This subdivision requires monthly synchronization checks to ensure that voter registration information made accurate between the county EMS and the statewide voter registration system on a regular basis. The Secretary of State determined that one month was a reasonable balance between the desire to have accurate data and the time it takes county elections officials to conduct a synchronization check and respond to synchronization check differences.

Subdivision (c) – This subdivision is unchanged from the originally proposed regulatory text, but clarification is added here. A synchronization check is required within 30 days of certain activities (ROR, official list extract, and VIG) to ensure accurate data is included for those activities. A synchronization check and the related difference resolution activities ensure the statewide voter registration system reflects voter registration information as it is entered into the county EMS. The ROR, official list, and VIG are all generated out of the statewide voter registration system. If the data in the statewide voter registration system is not accurate, then those activities will contain inaccurate data. For example, the ROR may show 3,000 voters for a certain city, when the county EMS for the county containing that city shows 3,050 voters in that city. A synchronization check conducted close to the ROR extraction date ensures the count of voters in that city is close to or (ideally) exactly consistent to what the county EMS shows. The closer the synchronization check is conducted to the extract date, the more accurate the data.

Subdivision (d) – This subdivision is unchanged from the originally proposed regulatory text, but clarification is added here. The priority for resolving differences focuses on the accuracy of data in the statewide voter registration system, the official system of record for state voter registration and the source of data extracts used for election activities. Ensuring that all voters in the county EMS is of preeminent importance so that those voters will be included on election rosters and similar lists. This also ensures that information about a voter is represented in the statewide voter registration system so that multiple voter records can be properly merged (for example, if a voter moves and re-registers in a new county; this would allow their registration record in their old county to be linked). Of next importance is ensuring that voter registration information in the statewide voter registration system is reflected in the county EMS so that county staff will have access to this voter's information in their local system. Finally, data differences should be resolved so that, even if both systems show a voter, the information about that voter is accurate. This is less important than the presence of the voter in either system, but still must be addressed.

Subdivision (f) – This subdivision is changed to clarify the tolerance criteria. Reference to calculating the acceptable error percentage is removed as it is unnecessary with the inclusion of the number of differences allowed. The number of differences allowed are revised to clarify the appropriate ranges. A new sub-paragraph is added to paragraphs (1) and (2) to clarify that the number of differences allowed for more than 8,000 and 50,000 differences, respectively, are set at the limit for those number of differences. This is because, as records increase, a limit should

occur where differences will no longer be allowed. This absolute value is necessary to ensure a minimum level of accuracy in the statewide voter registration system for large data categories.

The authority and reference citation is standardized. This is a non-substantive change.

#### **19084. Creation of County Administered Local and Statewide Elections**

The authority and reference citation is standardized. This is a non-substantive change.

#### **19085. Election Naming Standards**

The authority and reference citation is standardized. This is a non-substantive change.

#### **19086. Report of Registration**

The authority and reference citation is standardized. This is a non-substantive change.

#### **19087. Official List Extract**

The authority and reference citation is standardized. This is a non-substantive change.

#### **19088. Voter Information Guide**

Subdivision (c) – The words “those additional” replace “the” to clarify who the Secretary of State will mail the additional VIG to. The wording in the originally proposed text of regulations could have been interpreted to mean the Secretary of State would mail more VIGs than the regulations intended to state, which could have resulted in the county not mailing all of the VIGs that they should have mailed – and if neither the county nor the Secretary of State mailed those VIGs, the voters would not receive them.

The authority and reference citation is standardized. This is a non-substantive change.

#### **19089. Pre-Registrants**

Subdivision (d) – This subdivision is unchanged from the originally proposed regulatory text, but clarification is added here. The Initial Statement of Reasons states that Elections Code section 2155.3 requires a pre-registrant to receive a state and county Voter Information Guide before an election in which they are eligible to vote. This Elections Code section does not explicitly state that, but it does indicate that pre-registrants will be mailed these guides.

Subdivision (e) – This subdivision is unchanged from the originally proposed regulatory text, but clarification is added here. The Initial Statement of Reasons states that Elections Code section 2155.3 requires a pre-registrant to receive a state and county Voter Information Guide before an election in which they are eligible to vote. This Elections Code section does not explicitly state that, but it does indicate that pre-registrants will be mailed these guides.

The authority and reference citation is standardized. This is a non-substantive change.

#### **19090. Changes in Mapping of Precincts to Statewide Political Jurisdictions**

The authority and reference citation is standardized. This is a non-substantive change.

#### **19091. Vote-by-Mail Ballot Processing and Return Status**

Subdivision (a) – The word “the” is removed as a non-substantive grammatical change. Language is added to clarify for which voters the county elections official shall send VBM ballot issuance data to the statewide voter registration system. This language is necessary to clarify for which VBM ballots this data should be sent.

Subdivision (b) – Language is added to clarify why county elections officials must send data listed in the paragraphs of this subdivision to the statewide voter registration system. This additional language conforms to the related statute: Elections Code section 3019.7. Language is added to paragraphs (1), (2), (3), and (4) to clarify which statutory requirement each requirement in these regulations relates. Paragraph (5) is added to conform this requirement to all requirements in the related statute. This new paragraph states that certain information sent to the statewide voter registration system in subdivision (c) serves the purpose of this subdivision and the related statute as well. Paragraph (6) is added to completely conform this subdivision to the related statute, and to clarify that one of the requirements of that statute does not require regulatory action.

Subdivision (c) – One non-substantive grammatical change is made. Clarifying language is added to state for which ballots the county elections official shall enter information into the statewide voter registration system, to clarify that this subdivision applies to all VBM ballots and not just those in subdivision (b).

The authority and reference citation is standardized. This is a non-substantive change.

#### **19092. Vote-by-Mail Ballot Reason Codes**

The authority and reference citation is standardized. This is a non-substantive change.

#### **19093. Provisional Ballot Processing and Return Statuses**

The authority and reference citation is standardized. This is a non-substantive change.

#### **19094. Provisional Ballot Reason Codes**

The authority and reference citation is standardized. This is a non-substantive change.

#### **19095. Conditional Voter Registration Provisional Ballot Processing**

The authority and reference citation is standardized. This is a non-substantive change. References to other regulations are removed as they are not appropriate as references in these regulations.

#### **19096. Ballot Status**

The authority and reference citation is standardized. This is a non-substantive change.

#### **19097. Voter Participation History**

The authority and reference citation is standardized. This is a non-substantive change.

#### **19098. Certification of County Elections Official**

The word “county” is added before “elections official” throughout this section, including in its title, to standardize the use of this term and conform to the definition in Section 19062. The use of the term “elections official” without the word “county” was done in error in the originally proposed text of regulations.

Subdivision (b) – The use of the term “County Clerk/Registrar of Voters” is replaced with “County Elections Official” to conform to the requirement in Elections Code Section 15375, which allows any “elections official” as defined in Elections Code Section 320 (which is consistent with the definition of “county elections official” in these regulations) to sign this certification. The date “November 6, 2018” is replaced with a placeholder since this certification is meant to apply to future elections, not just that one; the date had been included in lieu of a placeholder in the originally proposed text of regulations in error.

The authority and reference citation is standardized. This is a non-substantive change.