

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

PUBLIC HEARING AND COMMENT

Hearing Date: No hearing date is scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the contact person listed no later than 15 days prior to the close of the written comment period.

Written Public Comment Period: February 7, 2020, through March 23, 2020 (45-day comment period)

Subject Matter of Proposed Regulations: Statewide Voter Registration System

Section(s) Affected: Sections 19060 through 19098 of Title 2, Division 7, Chapter 1 of the California Code of Regulations and Sections 20108 through 20108.80 of Title 2, Division 7, Chapter 2 of the California Code of Regulations

PURPOSE AND NECESSITY

This proposed regulation text renumbers existing regulations related to the previous voter registration database, Calvoter, while updating those regulations to reflect current law. Title 2, Division 7, Chapter 1, Article 2.5 is proposed to consolidate these revised regulations in the appropriate location with respect to other Elections related regulations and to improve numbering from the decimals used by existing regulations to sequential integer section numbers. Modifications to existing regulations are necessary to reflect current practices, including a new statewide voter registration system that replaced Calvoter in order to comply with updated federal law.

The Help America Vote Act of 2002 (HAVA) (52 U.S.C. section 21083, et seq.), which was signed into law on October 29, 2002, provides federal funding to states conditioned upon the planned implementation of certain requirements, including the establishment of a statewide voter registration system. HAVA provides that each state having voter registration requirements shall, through the chief state elections official, establish a single, uniform, official centralized, interactive computerized statewide voter registration list. The proposed regulations will establish standards and procedures for processing, transmitting, and maintaining voter registration records in compliance with the requirements of HAVA and ensure the uniform application and administration of state election laws.

FACTUAL BASIS / RATIONALE

The Secretary of State (SOS) proposes these modifications of existing regulations based on the development of a new statewide voter registration system as set forth in the proposed text of the regulations, to comply with the provisions of HAVA and as more fully explained below.

On September 26, 2016 Secretary of State Alex Padilla declared a new official system of record for voter registration in the State. With this action, it became necessary for the SOS to revise regulations related to the previous voter registration database, Calvoter, which were now largely out of date. Over the past several years, the SOS has worked with county elections officials, EMS vendors, and many other constituencies to craft regulations consistent with the new statewide voter registration system, current elections practices, and current law.

The proposed regulations were drafted to provide counties, election management system (EMS) vendors, and the SOS a clear, concise path to process voter records, maintain security and confidentiality of voter records, and perform activities necessary to run an election. These proposed regulations also provide counties and the EMS vendor clear requirements to certify and maintain certification as an EMS vendor with the SOS.

The factual basis and rationale for each section of the proposed regulations are as follows:

Chapter 1. Voter Registration – This chapter title is unchanged.

Article 2.5. Statewide Voter Registration System – This article is created to consolidate these regulations in the appropriate location with respect to other Elections related regulations and to improve numbering from decimals to sequential integer section numbers.

Section 19060. Purpose – Provides the purpose of the article, which is to maintain voter registration records in a manner that conforms with the statewide voter registration system requirements set forth in the HAVA, the National Voter Registration Act (NVRA) of 1993, and state law.

Subdivisions (a) and (b) reiterates the existing Section 20108 of Division 7 of Title 2 of California Code of Regulations, which is renumbered to this section. Therefore, subdivision (a) and (b) are non-substantive.

Subdivision (c) clarifies that county elections officials are required to synchronize voter records in their county EMS with the statewide voter registration system and use the statewide voter registration system to determine voter eligibility. This subdivision also clarifies that the Secretary of State is responsible for maintaining the statewide voter registration system. This subdivision is necessary to ensure the statewide voter registration system is used for determining voter eligibility.

Section 19061. Immediate Action Required – The purpose of this section is to establish the time period within which the a county elections official have to resolve any notification from a voter, the Secretary of State, another county, or a court requesting or directing a modification to a voter's registration record in the statewide voter registration system. A county elections official must respond within five days, which is the same standard that existed in Section 20108.12 of Title 2, Division 7, Chapter 2, California Code of Regulations, the section that this proposed section is replacing. This section requires the county elections official to take necessary steps in resolving any such notification. This section is necessary to comply with HAVA, U.S.C. section

21083(a)(1)(A)(vi), which provides that “all voter registration information obtained by any local election official in the State shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.”

Section 19062. Definitions – This section defines the terms used in these regulations.

Subdivision (a) defines the term “active voter.” This definition clarifies the difference between active and inactive voters in the statewide voter registration system. This definition is necessary because a voter must be marked active to appear on their county voter roster.

Subdivision (b) defines the term “adjudication.” This describes a specific action taken when reviewing ballots. This definition is necessary to define the term, distinguishing it from other terms related to the review or handing of ballots.

Subdivision (c) defines the term “business day.” This term is identified as having the same meaning as Civil Code section 9. This definition is necessary so that all parties to election processes know when election offices should be open to conduct elections business and to ensure other timelines in the regulations can be determined.

Subdivision (d) defines the term “cancelled voter.” This definition clarifies when a voter is considered cancelled in the statewide voter registration system. This definition is a necessary definition so that county elections official cancel voters in a constant manner statewide and that voters in this category are treated in a consistent manner by the Secretary of State and other counties that may access the voter’s record.

Subdivision (e) defines the term “confidential voter.” This term is identified as having the same meaning as Elections Code sections 2166, 2166.5, or 2166.7. This is necessary so that county elections officials are aware of the parameters around a voter with a confidential status and treat such voters in a manner consistent with the law.

Subdivision (f) defines the term “county elections official.” This term describes who is considered as such for the purposes of these regulations. This term is necessary to ensure the regulations apply to the correct parties.

Subdivision (g) defines the term “data standards.” This definition incorporates a specific set of standards by reference. This definition is necessary to apply those standards to all instances where they are referenced throughout the regulations.

Subdivision (h) defines the term “deficient registration record.” This term describes when a registration record does not have sufficient information in order for the voter to become registered. This definition is necessary to ensure each county elections official makes the same determination of when a registration record should not be processed, consistent with law.

Subdivision (i) defines the term “election information system.” This term describes the system used to process, store, and transmit voter registration data. This definition is necessary to ensure

that all county elections official use the term consistently and interpret these regulations accurately.

Subdivision (j) defines the term “election management system” or “EMS.” This term is identified as having the same meaning as Elections Code section 2500. This definition is necessary to ensure that all county elections official use the term consistently and interpret these regulations accurately.

Subdivision (k) defines the term “external state organization.” This term describes the organizations that interface with the statewide voter registration system. This definition is necessary to list these organizations and to provide their acronyms.

Subdivision (l) defines the term “federal election.” This term is identified as having the same meaning as Elections Code section 323. This definition is necessary to ensure that all county elections official use the term consistently and interpret these regulations accurately.

Subdivision (m) defines the term “high confidence match.” This term describes the circumstance when the statewide voter registration system identifies two voters who the system determines to be the same voter to a high degree of confidence. This definition is necessary so that county elections official understand how this functionality works and the criteria that the statewide voter registration system uses to determine the match.

Subdivision (n) defines the term “immediately.” This term describes the time frame expected by the regulations when the term is used. This definition is necessary to ensure that county elections official understand their obligation to comply with these regulatory requirements in a timely manner that is consistent between counties.

Subdivision (o) defines the term “inactive voter.” This definition clarifies the difference between active and inactive voters in the statewide voter registration system. This definition is necessary to describe the rights of a voter with this status.

Subdivision (p) defines the term “integration specifications.” This definition incorporates a specific set of standards by reference. This definition is necessary to apply those standards to all instances where they are referenced throughout the regulations.

Subdivision (q) defines the term “in near real time.” This term means the time nearest when the actual event occurred. This definition is needed so that county elections official know they are to report events soon after they happen.

Subdivision (r) defines the term “list maintenance notice.” This term means any notices sent to a registrant to verify registration and their eligibility to vote. This definition is necessary so that all county elections officials are aware they need to send verification notices to voters in specific circumstances.

Subdivision (s) defines the term “Official List extract.” This term means the list of active and inactive voters, created from an extract of the statewide voter registration system. This definition

is necessary to ensure that all county elections official use the term consistently and interpret these regulations accurately.

Subdivision (t) defines the term “pending.” This term is a status that applies to a voter record for an individual who has submitted an affidavit of registration but whose registration has not yet been made active pending additional information or who is not yet eligible to vote because they are under-age. This definition is necessary to ensure that all county elections official use the term consistently and interpret these regulations accurately.

Subdivision (u) defines the term “potential match.” This term describes the circumstance when the statewide voter registration system identifies two voters who the system determines may be the same voter. This definition is necessary so that county elections official understand how this functionality works and the criteria that the statewide voter registration system uses to determine the match.

Subdivision (v) defines the term “pre-registered voter.” This term is a status that applies to a voter record for an individual who has submitted an affidavit of registration with all required information and who is otherwise eligible to vote, but who is not yet eligible to vote because they are under-age. This definition is necessary to ensure that all county elections official use the term consistently and interpret these regulations accurately.

Subdivision (w) defines the term “registrant.” This term means a person who has submitted an affidavit of voter registration. This definition is necessary to ensure that all county elections official use the term consistently and interpret these regulations accurately.

Subdivision (x) defines the term “registration record.” This term means electronically stored data and images associated with a registered or pre-registered voter. This definition is necessary to ensure that all county elections official use the term consistently and interpret these regulations accurately.

Subdivision (y) defines the term “Report of Registration.” This term is identified as having the same meaning as Elections Code section 2187. This definition is necessary to ensure that all county elections official use the term consistently and interpret these regulations accurately.

Subdivision (z) defines the term “satisfactory proof of identity.” This term refers to a list of proofs of identity in the regulations. This definition is necessary to ensure that all county elections official use the term consistently and interpret these regulations accurately.

Subdivision (aa) defines the term “statewide voter registration system.” This term describes the system, clarifies that it is administered by the Secretary of State, and describes how this system integrates with a county EMS. This definition is necessary to ensure that all county elections official use the term consistently and interpret these regulations accurately.

Subdivision (bb) defines the term “substantive information.” This term means the facts necessary to determine eligibility to vote. This definition is necessary to ensure that all county elections official use the term consistently and interpret these regulations accurately.

Subdivision (cc) defines the term “verified California driver license or state identification number” or “CA DL/ID.” This term means a registrant’s California driver license or state identification number that has been verified against DMV records. This definition is necessary to ensure that all county elections official use the term consistently and interpret these regulations accurately.

Subdivision (dd) defines the term “verified social security number.” This term means the last four digits of a registrant’s social security number issued by the Social Security Administration that has been verified by the Social Security Administration database through the DMV. This definition is necessary to ensure that all county elections official use the term consistently and interpret these regulations accurately.

Subdivision (ee) defines the term “voter participation history.” This term means the electronic voter record submitted to the statewide voter registration system each time a voter participates in an election. This definition is necessary to ensure that all county elections official use the term consistently and interpret these regulations accurately.

Section 19063. Communication between the Statewide Voter Registration System and the County – The purpose of this section is to provide a communication framework for the statewide voter registration system which is based on electronic messaging between the EMS and the statewide voter registration system about each voter record that is submitted or updated. This subdivision is necessary to establish how the statewide voter registration system communicates with county EMSs and how and when the counties respond.

Section 19064. County Security – The purpose of this section is to specify the security requirements for counties and their EMS vendors. The counties are responsible for the security of their election information system and confidentiality of the data. This section is necessary to give counties and EMS vendors a framework on how to protect and submit the data in the most secure manner possible.

Subdivision (a) specifies that counties are responsible for the protection of data and the system in which the data is stored. This subdivision requires counties to use industry best practices to protect voter data. We adopt industry best practices because those best practices represent a balance between protecting all relevant systems and not requiring counties to obtain unique information technology knowledge and expertise beyond what is appropriate for the industry generally. This subdivision is necessary to achieve the goal of protecting the systems and offering a measurable standard for counties to adhere to.

Subdivision (b) specifies the security and training requirements for county election staff and contractors. This requirement is necessary to ensure that county elections official staff are aware of the techniques to safeguard voter data and to comply with the requirements of State Administrative Manual sections 5320 through 5320.2 and the Information Practices Act of 1977 (Civil Code section 1798, et seq.).

Subdivisions (c) specifies the security assessment requirements for counties. This subdivision lists 20 steps developed by the Center for Internet Security to provide specific and actionable ways to stop today's most pervasive and dangerous cyberattacks. These 20 steps are called "CIS Critical Security Controls" and are industry best practices in the area of cyber defense. This document is referenced in the Notice under the Informative Digest, Section E, Documents Relied Upon in Preparing the Regulations. This subdivision is necessary to ensure that the counties conduct a complete security assessment of its election information system prior to a statewide primary election and become aware of any security vulnerability in their system and take necessary corrective actions against possible cyber-attacks.

Subdivisions (d), (e), and (f) require counties and their EMS vendors to take the specified security measures to provide security to their EMS and the election information system and any of its environment that interface with the statewide voter registration system. Most of the measures and requirements listed are industry best practices in the area of election security. The SOS relied upon many resources to develop the specified security measures in this subdivision. Some of key sources we relied upon, which are referenced in the Notice under the Informative Digest, Section E, Documents Relied Upon in Preparing the Regulations, are: Sections 20250 through 20253 of Division 7 of Title 2 of California Code of Regulations; the Brennan Center for Justice report titled "Preparing for Cyberattacks and Technical Failures: A Guide for Elections Officials;" the Election Security Advance Planning Checklist prepared by Brennan Center for Justice; and the Election Security Recourse Library developed by the Department of Homeland Security. These security measures and security log requirements are necessary for the county elections official to follow to ensure that their election infrastructure is secure and protected and any attack.

Subdivision (g) sets up a time period within which the county elections officials are required to report any specified attack on the county's EMS and election information system to the Secretary of State Elections Division Help Desk. The time period given is 24 hours. The SOS, in consultation with county elections officials, determined that this time period is appropriate to ensure that the SOS is aware of attacks in a timely manner. This is a higher standard than our normal definition of "immediately" due to the sensitivity and risk related to attacks. This requirement is necessary so that the SOS can immediately determine if the statewide voter registration system data has been compromised in any way and if so, what actions to take.

Section 19065. Data Restoration after a Recovery Event – This section provides the required action that the county and their EMS vendor must take if data is deleted or missing from a county EMS. This section is necessary to ensure that the county does not act alone in their data recovery efforts and that all parties, SOS, EMS, and the county work together to ensure that missing data does not adversely affect the current data and missing data is adequately restored.

Subdivisions (a) and (b). The purpose of subdivisions (a) and (b) is to set up a time period within which a county is required to notify the SOS and their EMS vendor if data needs to be recovered. Since the statewide voter registration system and the county EMS are connected, all parties must work together to recover and restore the data. The time period given is 24 hours. The SOS, in consultation with county elections officials, determined that this time period is appropriate to ensure that the SOS is aware of such events in a timely manner. This is a higher standard than

our normal definition of “immediately” due to the sensitivity and risk related to such events. This subdivision is necessary to ensure that the recovery efforts are coordinated.

Section 19066. EMS Certification – This section provides the certification process and compliance criteria for an EMS. The EMS receives and submits voter registration data to and from the statewide voter registration system. This provision is necessary to ensure that the EMS is certified by the SOS and complies with all integration specification requirements, applicable federal and state statutes, legislative mandates, and regulations.

Subdivision (a). The purpose of subdivision (a) is to require the county elections official to use an EMS that is certified by the SOS and comply with all applicable federal and state laws. This subdivision is necessary to ensure that county elections official do not use any uncertified EMS that is connected with the statewide voter registration system that may compromise the security and integrity of the entire system.

Subdivision (b). The purpose of subdivision (b) is to provide the specified requirements for certification of an EMS by the SOS. This subdivision provides six requirements that an EMS vendor has to complete before any EMS is certified for the counties to use. The SOS hired a team of specialists to work and develop a process of EMS certification to develop these requirements. These requirements are necessary to ensure that an EMS vendor builds an EMS system that fully integrates with the statewide voter registration system and ensure that all defects are addressed and resolved in a timely manner and that they provide county support with system synchronization and other election activities.

Section 19067. Certified EMS Systems – This section provides the requirements for EMS vendors to maintain ongoing certification compliance with the statewide voter registration system standards. This requirement is needed to ensure that EMS vendors are maintaining compliance with the standards set for the statewide voter registration system. It also ensures that the EMS vendors timely address any defects/bugs in their system(s) that can affect the functioning of the statewide voter registration system and the ability of the counties to perform elections activities efficiently and effectively.

Subdivision (a). The purpose of subdivision (a) is to provide a specific date as to when a certified EMS vendor must submit a form to the SOS certifying the specified compliance requirements. The SOS, in consultation with the EMS certification team, determined that annual certification should cover a calendar year from January 1st to December 31st and the five points listed in this subdivision. The SOS determined that one month is sufficient time for the EMS vendor to provide certification of compliance to the SOS. Therefore, February 1st is the due date to file a certificate of compliance with the SOS. This subdivision is also necessary to ensure that EMS vendor complies with the tasks they are entrusted with and to be in continuous compliance with the requirements of the EMS certification. It is also necessary to comply with the requirements of the Elections Code section 2501.

Subdivision (b). The purpose of subdivision (b) is to require a certified EMS vendor to support any synchronization check initiated by the county and/or the SOS at a specified time period. The statewide voter registration system and county EMSs are separate systems that hold voter

registration data. These two systems are connected and integrated with each other and transmit data to each other regularly. It is foreseeable that discrepancies may arise as data is transmitted between the systems. Therefore, in order to identify the differences between the statewide voter registration system data and county EMS data, the statewide voter registration system provides a synchronization service to compare the data in the statewide voter registration system and the county EMS and provide a list of differences for counties to research. One of the tasks of the EMS vendor is to support any synchronization check initiated by either party. The SOS determined that at a minimum a synchronization check once monthly is reasonable and warranted to remove discrepancies in the data between the two systems. This subdivision also specifies that a synchronization check must be initiated within 30 days of the (1) Report of Registration, (2) Official List extract for an election and (3) Voter Information Guide processing. These three documents are very important documents for the administration of the election, and it is vital that these documents must contain the most current and up to date information. For these reasons, it is necessary for the EMS vendor to support synchronization checks initiated by either the county and/or the SOS.

Subdivision (c). The purpose of subdivision (c) is to require a certified EMS vendor to work with county elections official to resolve the discrepancies in the data identified in the synchronization check. This subdivision requires that such discrepancies must be resolved to an acceptable tolerance level. Acceptable tolerance level is described in section 19083 of these proposed regulations. A further statement of reasons is discussed under section 19083. This subdivision is necessary to clarify that a certified EMS vendor remains responsible to assist counties to attain the required tolerance levels for synchronization.

Subdivision (d). The purpose of subdivision (d) is to require a certified EMS to immediately log any defects or bugs with that EMS or other certified EMS currently in use that affect the statewide voter registration system with the Secretary of State Elections Division Help Desk. This subdivision also requires the SOS to categorize and resolve the defects or bugs as specified. The SOS, in consultation with county elections officials, EMS vendors, and the EMS certification team, determined that all defects or bugs in the EMS should be categorized into the following four categories: (1) Critical, (2) High, (3) Medium, and (4) Low. Paragraphs (1) to (4) provide definition of all categorized defects or bugs and provide the time frame within which the EMS vendor must conduct an analysis and provide solution. The SOS determined that a response time should vary depending upon the severity of the defect or bug. Response to critical defect or bug one business day for analyzing the defect and two business days to resolve or create a workaround. This time period is appropriate given the severity of such issues. Similarly, for high, medium and low categories of defects or bugs, the response time for resolution or workaround is three and 10 business days, respectively. These time periods balance the urgency of the issue with other business needs of county elections officials and EMS vendors. It is possible and foreseeable that in some cases a certified vendor may not be able to provide a resolution to defects or bugs may within the specified time. Therefore, these proposed regulations provide alternative approach whereby the EMS vendor and the SOS can agree to different timeline for the solution or workaround. This subdivision is necessary to ensure that both EMS vendors and the SOS are aware of their respective responsibilities to resolve any defects or bugs that may compromise the system.

Section 19068. EMS Changes – This section provides the compliance criteria for certified EMS systems that receive information from and submit information to the statewide voter registration system. This section is necessary to ensure continued compliance with all integration specification requirements, applicable federal and state statutes, legislative mandates, and regulations and to ensure that changes that could potentially affect the statewide voter registration are not made during a time that they may adversely affect election activities.

Subdivision (a). The purpose of subdivision (a) is to specify that an EMS vendor must not make any changes to a certified EMS that will impact the statewide voter registration system or any other certified EMS currently in use without written approval from the SOS. The SOS, in consultation with the EMS certification team, has determined that in order to conduct an orderly election without any technical issues, a certified EMS must not make any major changes to their system during 60 days prior to any statewide election that would impact the statewide voter registration system and any other certified EMS in use. It is imperative for a certified EMS to be ready for the synchronization check during the 30 days prior to the Report of Registrations and other documents described in section 19067(b) of these proposed regulations. Therefore, the SOS believes that 60 day moratorium prior to a statewide election is reasonable for any major changes. However, mindful of the fact that there may be some critical defects or bugs that would require an EMS vendor to implement some major changes to the certified EMS, in that case, a written permission from the SOS is required to ensure that the SOS is also aware of EMS vendor's action and possibly work together to resolve the defect. This requirement is also necessary to ensure that the certified EMS will not release a system change that could potentially contain defects that would adversely affect the other county EMSs and the statewide voter registration system.

Subdivision (b). The purpose of subdivision (b) is to require a certified EMS vendor to conduct EMS system integration testing with the SOS prior to making any changes to the EMS that can impact its ability to be compliance with Data Standards, Integration Specification and other specifications regarding the functioning of the statewide voter registration system. Data Standards and Integration Specification documents are incorporated as a reference to these proposed regulations. This requirement is necessary to ensure that EMS and statewide voter registration system are properly integrated and that the certified EMS will not release a change that could potentially have defects or bugs that would adversely affect the statewide voter registration system.

Subdivision (c). The purpose of subdivision (c) is to specify the required tasks that must be accomplished when the certified EMS vendor makes changes to their system which will affect the statewide voter registration system. This subdivision has outlined three tasks where a certified EMS vendor must work with the Secretary of State to remove any defects, perform any testing regarding any system release and other tasks specified in paragraphs (1) through (3) of this subdivision. This requirement is necessary to clarify that EMS vendors and the SOS must work together to resolve any specified issues and also that EMS will not release a change that could have defects which would adversely affect the statewide voter registration system and other county systems.

Subdivision (d). The purpose of subdivision (d) is to specify that a certified EMS must participate in ongoing verification of compliance with the standards when changes are made to the EMS that can affect the statewide voter registration system, the data or any other certified EMS in use. This subdivision is needed to ensure that the EMS does not make changes that affect the data of the statewide system or any other county EMS.

Section 19069. EMS Certification Revocation – The purpose of this section is to specify the process for revocation of EMS certification. The SOS can revoke the certification of a certified EMS if that certified EMS fails to comply with the requirements specified in these regulations. The SOS can determine whether a certified EMS vendor is complying with the requirements set forth in these proposed regulations by doing a periodical review of each certified EMS. The SOS, in consultation with the EMS certification team, has determined it will provide notice to both the certified EMS vendor and the counties that would be impacted by the revocation prior to the revocation. Revocation will not take place within six months prior to any statewide election because county elections officials under section 20108.75 of Division 7 of Title 2 to California Code of Regulations have until 60 days to submit the voter participation history to the statewide voter registration system and the county elections official use a certified EMS to submit voter participation history to the statewide voter registration history; any revocation before 61st day after the election would make this task enormously difficult for the county elections official. In addition to the reasons described above this section is also necessary to allow the SOS to withdraw certification with any EMS vendors that are non-compliant.

Section 19070. County Change in EMS Vendor – This requirement provides that a county must notify the SOS prior to contracting with a different EMS vendor. This section is necessary to allow coordination between the SOS and the county during the transition and ensure that the system and data integrity is maintained.

Subdivisions (a) and (b). The purpose of subdivisions (a) and (b) is to specify the process for changing EMS vendors. Since a certified EMS integrates and connects with the statewide voter registration system, it is important that the transition of data from one certified vendor to another must happen with the coordination of the SOS. Therefore, these requirements are necessary for SOS to plan for any necessary data conversion assistance that might be needed and that the SOS can monitor data processing during the transition.

Section 19071. Required Registration Information – This section specifies the information needed to complete a voter registration application. This section is needed to ensure that all necessary information is collected and that a partial voter registration application is not accepted. All the required registration information is necessary so that the statewide voter registration system can automatically move each voter registration through the statewide voter registration system and produce the correct list maintenance notices and automatic mailings.

Subdivision (a). Subdivision (a) restates the requirements of the Elections Code sections 2150 and 2154. Therefore, this subdivision is non-substantive.

Subdivision (b). The purpose of subdivision (b) is to clarify that an affidavit of registration missing any required substantive information is processed in accordance with the procedures

described under section 19072 of these proposed regulations. This subdivision is necessary to ensure that process is followed.

Subdivision (c). The purpose of subdivision (c) specify that county elections officials must try to collect the missing substantive information from the voter. This subdivision restates the requirements of Elections Code section 2153. Therefore, this subdivision is non-substantive.

Subdivision (d). The purpose of subdivision (d) is to specify a time period after which a county elections official can reject the affidavit of registration that is missing substantive information. The SOS, in consultation with county elections officials and their staff, determined that 180 days is a reasonable amount of time for a voter to resolve any deficiency in their affidavit of registration. County elections officials hold any deficient voter registration at a separate location than other voter records both online and on paper. It will be burdensome for county elections officials to hold on to those deficient voter records for a very long time. In addition, there is a possibility that a deficient voter record may not be valid for very long because the voter may have moved to a different address. For these reasons, it is necessary to clarify that county elections official must reject any affidavit of registration that is missing substantive information after 180 days of its receipt.

Subdivision (e). The purpose of subdivision (e) is to provide clarification to county elections officials that they must notify every person who submits an affidavit of registration regarding how it was processed. This subdivision restates the requirements of the Elections Code sections 2153 and 2155. Therefore, this subdivision is non-substantive.

Section 19072. Deficient Registration Records – This section provides the requirements regarding the registration records that are missing the required substantive information necessary to determine voter’s eligibility to vote. This section is necessary to set parameters on missing data, and the length of time to correct and resubmit the registration records to ensure the voter receives all registration mailings and is registered to vote.

Subdivision (a). The purpose of subdivision (a) is to specify how a county elections official must process any deficient paper affidavit of registration excluding a print-out of an electronic affidavit of registration. A print-out of an electronic affidavit of registration is excluded from this subdivision because it cannot be deficient; the statewide voter registration system does not allow an incomplete electronic affidavit of registration to go forward and cause to be printed. When a county receives a paper affidavit of registration that is missing substantive information as specified in Elections Code sections 2150 and 2154, they can hold that deficient paper affidavit of registration in a separate location. This is necessary to ensure that a deficient paper affidavit of registration does not update the existing complete record of the voter, if any. This subdivision specifies the process for applying the effective dates in accordance with section 19076 of these proposed regulations. This subdivision is necessary to clarify the process for the county elections official to process the deficient paper affidavit of registration and to comply with the Elections Code sections 2150 and 2154.

Subdivision (b). The purpose of subdivision (b) is to specify the process to process any deficient electronic affidavit of registration. When a county receives any affidavit of registration

electronically through online voter registration that is missing substantive information as specified in Elections Code sections 2150 and 2154, they are required to hold that deficient affidavit of registration in a separate location in the county EMS. This is necessary to ensure that a deficient affidavit of registration does not update the existing complete record of the voter, if any. County elections official can only update the voter record after removing all the deficiencies in the most recently received deficient paper affidavit of registration. This subdivision specifies the process for the county elections official to apply the effective dates in accordance with section 19076 of these proposed regulations. This subdivision is necessary to clarify the process for the county elections official to process the deficient paper affidavit of registration and to comply with the Elections Code sections 2150 and 2154.

Subdivision (c). The purpose of subdivision (c) is to specify the event that triggers a deficiency notice and a process that the county elections officials are required to follow after receiving such notice. The statewide voter registration system receives electronic voter registrations directly through voters and from the Department of Motor Vehicles (DMV). This subdivision deals with the scenario where the statewide voter registration system receives a deficient voter registration that cannot be cured by applying the presumptions specified in the Elections Code section 2154. The SOS has determined that in order to cure the deficiency in the voter registration the county elections official must attempt to contact the voter and collect the missing information and once the missing information is collected, the county elections official can submit that information to the statewide over registration system. County elections official must attempt to contact the voter within five business days of the receipt of a deficiency notice. This time period is in accordance with section 19061 of these proposed regulations and section 20108.12 of Division 7 of Title 2 of the California Code of Regulations. Further, paragraph (1) of this subdivision only requires the county elections official to attempt to contact the voter and not contact the voter. The SOS has determined that requiring the counties to contact the voter can be enormously burdensome if the voter has moved from the address provided on the affidavit of registration. Paragraph (2) of this subdivision requires the county elections official to reject the deficient affidavit of registration if they are unable to obtain information from the voters to complete the affidavit of voter registration with 180 days of its receipt. Reasons for the 180 day requirement are discussed above in subdivision (d) of section 19071 of these proposed regulations. Paragraph (3) of this subdivision prohibits the county elections official to change the status of an active voter to “pending” or “inactive,” who has submitted a new affidavit of voter registration that deficient. The SOS has determined that if the county elections official are allowed to change a voter’s active statue based on the deficient affidavit of registration to either “pending” or “inactive,” then that would create confusion in the minds of voters and may likely disenfranchise the voters of California. Therefore, it is necessary that an active voter status must not be changed based on the deficient voter record. In addition to the reasons described above this subdivision is also necessary to clarify the process for the county elections official in the event they receive a deficiency notice from the statewide voter registration system.

Subdivision (d). The purpose of subdivision (d) is to clarify the process and make specific the time period within which the county elections official can cure the deficiencies and consider a voter registered for an election. This subdivision deals with a scenario where a county elections official receives a deficient affidavit of registration on or before the 15 days prior to an election but receives the information to cure the deficiency after the 15 days prior to that election. The

subdivision states that a voter has until two days prior to the certification of the election result to be considered registered for that election. The 15-day timeframe is based on the last day to register to vote. The Elections Code section 2102(a)(2) and NVRA, 52 U.S.C. section 20504(a)(1)(A) provides that the last day to register to vote for an election is 15 days prior to that election. Regarding the 2-day timeframe to cure the deficiency, the SOS has determined the two criteria should match the requirements of section 3019 of the Elections Code where a voter has until two days prior to the certification of election result to cure the deficiency regarding the mismatch and missing signature on the vote-by-mail ballot envelop. This subdivision is also necessary to clarify to county elections officials a voter's right to cure a deficiency in their registration.

Subdivision (e). The purpose of this subdivision is to clarify to the county elections official about the appropriate time to process a provisional ballot. This subdivision requires the county elections official not to process a provisional ballot until all counties have posted their polling place voter participation history. This subdivision is required to prevent the counties from counting any provisional ballot of a voter who might also have voted their regular ballot at some other polling place.

Section 19073. Verification of Voter Identity – This section provides the requirement that the statewide voter registration system is used to verify a voter's identity pursuant to the Help America Vote Act of 2002 (HAVA). This requirement is necessary to fulfill the voter registration requirements of HAVA and to uniquely identify each voter within the state.

Subdivision (a). The purpose of subdivision (a) is to specify that each voter's identity is verified in accordance with the HAVA. This subdivision is necessary to provide the Federal legal standard to verify the identity of a voter.

Subdivision (b). The purpose of subdivision (b) is to specify that a verified California driver license or the State identification number satisfies the voter's identity requirement. This subdivision describes how the statewide voter registration system verifies voter identity with these numbers: Since the DMV is the holder of the records pertaining to California driver license and the state identification numbers, the statewide voter registration system compares these records with DMV records. If the DMV records verify the California driver license number or the state identification number on the affidavit of registration, that satisfies the requirements of verification voter's identity. This subdivision is necessary to comply with the identification requirements of HAVA, 52 U.S.C. section 21083(a)(5)(A)(i)(I).

Subdivision (c). The purpose of subdivision (c) is to specify that a verified social security number satisfy the voter's identity requirement. This subdivision described the process of verification of the voter's social security number in the absence of a California driver license or the state identification number. The verification process is akin to the process described in subdivision (b). This subdivision is necessary to comply with the identification requirements of HAVA, 52 U.S.C. section 21083(a)(5)(A)(i)(II).

Subdivision (d). The purpose of subdivision (d) is to specify additional identification requirements in the absence of California driver license number, state identification number, or

the last four of the social security number. This subdivision is necessary to comply with the requirements of HAVA, 52 U.S.C. section 21083(a)(5)(A)(ii).

Section 19074. Missing Driver License Number, State Identification Number or Social Security Number from an Affidavit of Registration – This section provides the requirements and processes the statewide voter registration system uses to obtain and verify the missing California driver license or state identification number or social security number on the affidavit of registration. This subdivision is necessary to ensure that there is uniformity and consistency in the process to obtain and verify the missing identification on the affidavit of registration.

Subdivision (a). The purpose of subdivision (a) is to specify the process to obtain and verify the California driver license or state identification number if one is missing on the affidavit of registration. This subdivision is necessary to comply with the requirements of HAVA, 52 U.S.C. section 21083(a)(5)(A)(ii) and to clarify the process verify how a missing California driver license or state identification number is updated in the statewide voter registration system.

Subdivision (b). The purpose of subdivision (b) is to require the county elections official to update the voter record with the valid California driver license number, state identification number or the last four of the social security number if obtained at a later date. This requirement is necessary to comply with the requirements of HAVA, 52 U.S.C. section 21083(a)(1)(A)(ii).

Section 19075. Additional Identification or Residency Verification to Vote in Federal Elections – This section provides the additional requirements needed to verify the identity of each voter. This section is necessary to comply with identity requirements pursuant to NVRA, 52 U.S.C. section 20505(c) for voting.

Subdivision (a). This subdivision provides that a voter must satisfy at least one of the conditions described in paragraphs (1) to (4) to vote in a federal election. Paragraph (1) and (2) are necessary to comply with the requirements of HAVA, 52 U.S.C. section 21083(a)(5)(A)(i). Paragraph (3) and (4) are necessary to comply with the requirements of NVRA, 52 U.S.C. section 20505(c). This subdivision is also necessary to clarify the valid verifiers of identity or residency to vote in the federal elections.

Subdivision (b). The purpose of subdivision (b) is to clarify that no additional information is required other than what is described in subdivision (a). The county elections official is required to update the voter's record to reflect that the voter is not required to show any identification at the time of voting. This is necessary to remove any confusion for the poll workers during the election. This subdivision is also necessary to comply with the requirements of NVRA, 52 U.S.C. section 20505(c).

Subdivision (c). The purpose of subdivision (c) is to specify that a voter must provide proof of identity to vote in a federal election if none of the conditions are satisfied in subdivision (a) of this section. This subdivision is needed to ensure that the voter's record is marked correctly so that the voter will be required to show identification before voting in a federal election. This subdivision is also necessary to comply with the requirements of NVRA, 52 U.S.C. section 20505(c).

Subdivision (d). The purpose of subdivision (d) is to specify that identification requirement for first-time voters. This subdivision is necessary to comply with the requirements of NVRA, 52 U.S.C. section 20505(c).

Subdivision (e). The purpose of subdivision (e) to require the county elections official to update the voter's record after the voter provides a valid identification to vote in an election as described in subdivision (c) of this section. This subdivision is necessary to comply with the requirements of NVRA, 52 U.S.C. section 20505(c) and HAVA, 52 U.S.C. section 21083(a)(1)(A)(ii).

Section 19076. Voter Registration Effective Dates – This section describes the effective dates for voter registration. This section is necessary to ensure consistent registration procedures for voters throughout the state.

Subdivision (a) sets forth the requirement that effective dates shall be determined consistent with this regulation section. This subdivision is necessary to ensure consistent registration procedures for voters throughout the state.

Subdivision (b) describes the effective date for paper and online registrations. Registrations are deemed to be effective upon receipt, except when they are received after the close of registration. Backdating such registrations to the close of registration date allows voters to vote without using a provisional ballot and is in the best interest of ensuring a voter's right to vote consistent with the Elections Code. This subdivision is necessary to ensure these types of registrations are dated in a consistent manner and deemed effective for an election in certain circumstances even if they are not received until after the close of registration. Paragraph (1) describes the requirement for the Secretary of State to transmit paper and online registrations to county elections officials within one working day. A quick turnaround is necessary so that county elections official receive information on their voters quickly and can process registrations in an expedient manner. This paragraph is necessary to clarify the Secretary of State's responsibility to county elections official.

Subdivision (c) describes the effective date for paper registrations, other than printouts of online registrations, that are missing information. This subdivision is necessary to ensure these types of registrations are dated in a consistent manner and deemed effective for an election in certain circumstances. Paragraph (1) states that if a paper registration is missing a signature but contains all other required information, it shall be effective for an election even if the signature is not obtained until after the close of registration. This paragraph is necessary for consistency of registration processing and voter eligibility to vote. Paragraph (2) states that a registration missing other required information is effective when that information is received, with an exception for that information being received after the close of registration. This paragraph is necessary for consistency of registration processing and voter eligibility to vote.

Subdivision (d) describes the effective date of an online registration that must be signed on paper. The provision allowing the registration to be effective at the date of the online registration rather than the date the signature is returned exists to ensure voters who attempt to register with all required information before close of registration are able to vote, even if their signature is not

available via DMV lookup. This subdivision is necessary for consistency of registration processing and voter eligibility to vote.

Subdivision (e) describes effective dates for registrations submitted to the DMV. This subdivision is necessary for consistency of registration processing and voter eligibility to vote. Paragraph (1) states that registration submitted at a DMV field office shall be effective on the date that the DMV customer visited the field office. This ensures the voter registration lines up with the voter's registration activity instead of the date the DMV processes or transmits the information to the Secretary of State. This is necessary to ensure voter information is accurate when completed and prevents mix-ups when a voter registers through other means at a later date but before the DMV has submitted the data to the Secretary of State. Paragraph (2) states that a registration submitted through the DMV's website shall be effective as of the date the DMV customer submits the information. This date is chosen and necessary for the same reasons given for paragraph (1). Paragraph (3) states that information mailed by a DMV customer to the DMV shall be effective upon receipt at the relevant location in DMV headquarters. This paragraph is consistent with how paper registrations on Secretary of State forms are processed. This paragraph is necessary to ensure paper registrations through DMV are treated in a similar manner. Paragraphs (4) and (5) state that change of address forms delivered or mailed to the DMV are effective upon receipt at the field office or DMV headquarters. The purpose and justification for this paragraph is the same as for paragraph (3). Paragraph (6) states that change of address forms submitted on the DMV's website are effective once the transaction is completed. The purpose and justification for this paragraph is the same as for paragraph (1).

Subdivision (f) discusses effective dates for registrations submitted to the DMV which the DMV transmits electronically to the Secretary of State, but which are missing required information. This subdivision is necessary for consistency of registration processing and voter eligibility to vote. Paragraph (1) states that registrations missing a signature are effective with the timestamp used in subdivision (e). This paragraph is consistent with how registrations missing a signature sent to the Secretary of State or county elections official are treated. This paragraph is necessary for consistency of registration processing and voter eligibility to vote. Paragraph (2) states that a registration missing other required information shall be effective once the information is received by the county elections official, with an exception for information received after the close of registration. The purpose and justification for this paragraph is the same as for paragraph (1).

Subdivision (g) discusses registrations accepted by a National Voter Registration Act agency. Such registrations are effective as of the date stamp given by the agency, except if the date stamp is missing, in which case the effective date is receipt by the county elections official or the Secretary of State. This subdivision is necessary for consistency of registration processing and voter eligibility to vote.

Subdivision (h) and (i) concern registration forms for new California residents and new citizens. These forms, regardless of completion date, shall be effective as of the close of registration, permitting the new voters to vote a non-provisional ballot. These subdivisions are necessary for consistency of registration processing and voter eligibility to vote.

Subdivision (j) states that pre-registrants shall generally be effective voters as of their birthday. Pre-registrants whose birthday is within 60 days of any election shall be given an effective date of that date so that they are included in active voter lists for that election, allowing them to fully participate in the election by being included on rosters and receiving all relevant voter information. This subdivision is necessary for consistency of registration processing and voter eligibility to vote.

Subdivision (k) discusses change of address requests in various form. This subdivision is necessary for consistency of registration processing and voter eligibility to vote. Paragraphs (1) and (6) concern signed paper requests, stating that these are effective upon receipt, with an exception for those postmarked prior to the close of registration. This paragraph is consistent with effective dates for paper registration forms and is necessary for consistency. Paragraph (2) concerns a change of address on a provisional ballot, stating that the effective date is the date the ballot is received by the county elections official. This paragraph allows a voter to change their address on the provisional ballot envelope without a separate writing and is necessary for consistency between counties. Paragraphs (3) and (4) concern requests through the USPS sent to the Secretary of State. Effective dates are consistent with how these requests are transmitted to the Secretary of State. All requests made within a month are assumed to have the same effective date. This paragraph is necessary for consistency of registration processing and voter eligibility to vote. Paragraph (5) concerns USPS address updates sent to county elections official by return mail with forwarding addresses. The effective date here is consistent with paper requests submitted directly by voters pursuant to paragraph (1). These updates are treated in a similar manner as if they had been made by voters with a signature because this service relies on USPS customers affirmatively indicating to the USPS that they have moved, and so this notice to USPS is assumed to mean the move is effective for voting purposes as well. This paragraph is necessary for consistency of registration processing and voter eligibility to vote.

Subdivision (l) states that registrations or changes of address that should be effective before the close of registration, as specified in subdivisions (a) through (k), but which are received after the close of registration, shall be treated as being received before the close of registration. This subdivision discusses how this impacts the adjudication of provisional ballots. This subdivision is necessary because registrations that are effective before the close of registration according to these regulations might not actually be processed by county elections official before a voter attempts to vote. This subdivision ensures that, if a voter votes a provisional ballot, provisional ballots are adjudicated in the same way as voters whose registrations were processed prior to the close of registration. This subdivision is necessary for consistency of registration processing and voter eligibility to vote.

Section 19077. Matching Criteria – This section provides the requirements for a series of matching criteria used to compare and process voter registration records. This provision is necessary so that counties can review and determine if two separate voter records are of the same person, and how to update those records. This provision is necessary to comply with HAVA, 52 U.S.C. section 21083(a)(4), which provides that the State system “shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly.”

Subdivision (a). The purpose of subdivision (a) is to specify a process and criteria for the statewide voter registration system to identify a potential and a high confidence match. The SOS, in consultation with EMS certification team and business process sub-committee of California Association of Clerks and Elections Officials (CACEO), determined the criteria specified in this subdivision to identify potential and high confidence match. This subdivision is necessary to ensure that the counties understand what identifiers are used in matching and identify a high confidence and a potential match.

Subdivision (b). The purpose of subdivision (b) is to specify the process county elections official will use to resolve a potential match. This subdivision requires the county elections official to resolve the potential match within five business days. This five business days requirement is in line with section 19061 of these proposed regulations. This requirement is necessary to comply with HAVA, 52 U.S.C. section 21083(a)(4).

Subdivision (c). The purpose of subdivision (c) to specify a process for the statewide voter registration system to merge the high confidence voter records into one voter record. This is necessary to comply with HAVA, 52 U.S.C. section 21083(a)(4).

Subdivision (d). The purpose of subdivision (d) is to specify a process for the county election officials to unmerge the voter records that were merged in error. This is necessary to comply with HAVA, 52 U.S.C. section 21083(a)(4).

Section 19078. National Change of Address Processing – This section provides the requirements for the Secretary of State and the county elections official to conduct a monthly list maintenance activity based on the United States Postal Service National Change of Address (NCOA) data. This section is needed to comply with the list maintenance requirements of the Elections Code sections 2220 and 2226.

Subdivision (a). The purpose of subdivision (a) is to specify the time period within which the Secretary of State will conduct voter registration list maintenance activities. The SOS has determined that to comply with the HAVA, 52 U.S.C. section 21083(a)(4), it will conduct monthly voter registration list maintenance. This subdivision also provides that list maintenance activities cannot be conducted during 90 days prior to a federal election. This 90-day requirement is necessary to comply with section 2220 of the Elections Code which requires that preelection residency confirmation procedure shall be completed by the 90th day immediately before the primary election. In addition, to comply with HAVA and Elections Code, this subdivision is also necessary to establish a cutoff time to make changes in the voter records and to give counties a reasonable time to prepare and send election material to voters.

Subdivisions (b), (c), and (d). The purpose of subdivisions (b), (c), and (d) is to specify the procedures to process the address change of a voter based on the United States Postal Service National Change of Address (NOCA) data. In line with section 19061 of these proposed regulations, the county elections official must process the change of address notifications from the SOS within five business days of its receipt. This subdivision is necessary to comply with the NVRA, 52 U.S.C. section 20507 and Elections Code sections 2225 through 2226 and to establish

a single process throughout the state to address a move by the voter as identified by the NCOA Potential Address Change message.

Section 19079. State Death and Felony Status Records – This section provides the rules for the processing of death and felony records. This section is needed to ensure that death and felony records are administered consistently.

Subdivisions (a) through (e). The purpose of subdivisions (a) to (e) is to specify a process whereby the SOS coordinates with California Department of Public Health (CDPH), California Department of Corrections and Rehabilitation (CDCR) and county elections official to process the voter registration records of persons who are deceased, and records of persons who are currently in state or federal prison or on parole for the conviction of a felony who are ineligible to vote. This is necessary to comply with HAVA section 21083(a)(2)(A)(ii), which requires that the State shall coordinate the computerized list with other State agency records on felony status and records on death for the purpose of removing names of ineligible voters from the Official List of eligible voters.

Subdivisions (f) and (g). The purpose of subdivisions (f) and (g) is to require the counties to update the registration record of a voter in the statewide voter registration system after processing those records in accordance with Elections Code sections 2205 and 2212. Both subdivisions require the county elections official to update the voter record in the statewide voter registration system within 5 business days of the receipt. This requirement is in accordance with section 19061 of these proposed regulations. This subdivision is necessary to comply with Elections Code section 2205 and 2212 and to establish a single process throughout the state to process death and felony records within a specified amount of time.

Section 19080. DMV Change of Address Notifications – This section provides the requirements necessary to process DMV Change of Address (DMV COA) voter records. This section is necessary to ensure counties correctly determine potential matches between voter records and DMV COA records and if the record should be accepted, rejected, redirected to the correct county or canceled.

Subdivisions (a) and (b). The purpose of subdivisions (a) and (b) is to specify a procedure for the county elections official to process a change of address in the voter record submitted to the statewide voter registration system by the DMV. If the SOS identifies that a voter record from the DMV relates to a voter record in the statewide voter registration system, the SOS will send a notification message to the county elections official of the voter's current county. This type of message always requires a county elections official to respond in order for the address to be updated; voter records are never updated solely by the statewide voter registration system for these update types. This is necessary to ensure that records are verified by the appropriate county elections official. This subdivision is necessary to comply with HAVA, 52 U.S.C. section 21083(a)(4), which requires that the State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly.

Subdivision (c). The purpose of subdivision (c) is to require the county elections official to inactivate the voter status and send that voter a forwardable address confirmation notice. NVRA,

52 U.S.C. section 20507(d), and Elections Code section 2226 require a county elections official to update the voter's record to inactive status and send a forwardable address confirmation mailing to the new address of that voter if the change of address form the DMV shows that a voter has moved out of the state. This subdivision is necessary to comply with NVRA, 52 U.S.C. section 20507(d) and Elections Code section 2226.

Subdivision (d). The purpose of subdivision (d) is to specify how a county elections official must reverse an incorrect response to a DMV change of address notification from the statewide voter registration system. When the county elections official responds that a change of address notification applies to a voter, the statewide voter registration system will update that voter's record with the new information. Within 24 hours of the election official's response, this update can be reversed automatically. After 24 hours, the SOS must take manual action to reverse the changes. This subdivision requires a county elections official to reverse the voter record within 24 hours, through its EMS, if the error is identified within 24 hours of its match. In case the potential match error is not identified within 24 hours, the county election officials must notify the State Elections Division Help Desk and submit any change in voter registration record within five business days of the receipt of the potential match notification to the statewide voter registration system in accordance with section 19061 of these proposed regulations. This subdivision is necessary to comply with HAVA, 52 U.S.C. section 21083(a)(4), which requires the State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly.

Section 19081. Inactivating and Cancelling Voters – This section provides requirements and procedures for the county elections official to inactivate and/or cancel a voter record. This section is necessary to ensure that counties maintain consistency in updating voter lists and inactivating or cancelling voter records. It is also necessary to specify when inactive voters can be cancelled pursuant to HAVA, 52 U.S.C. section 21803(a)(4)(A), and NVRA, 52 U.S.C. Sections 20507(d)(2).

Subdivisions (a), (b), (c), and (e). These subdivisions restate the requirements of Elections Code sections 2220 to 2226. Therefore, these subdivisions are non-substantive.

Subdivision (d). This subdivision restates the requirements of Elections Code section 2201(a). Therefore, this subdivision is non-substantive.

Subdivisions (f) and (g). The purpose of subdivisions (f) and (g) is to specify procedures that county elections official must follow to cancel the registration of voter based on the written request from a voter. The SOS, in consultation with county elections officials, has determined that 30 days is sufficient time for the county elections official to notify the voter in writing about the cancellation of their registration. These provisions are necessary to comply with HAVA, 52 U.S.C section 21083(a)(4), which requires the State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly.

Section 19082. Confidential Voters – This section provides the requirements for counties to process confidential voters pursuant to Elections Code sections 2166, 2166.5, and 2166.7. This section is necessary to ensure that confidential voter records are processed correctly and that only

the appropriate staff has access to these records. This section is necessary to ensure that county elections official comply with this process in a consistent manner.

Subdivisions (a), (b), (c), and (d). The purpose of these subdivisions is to specify procedures for the county elections official to follow in order to safely maintain the records of confidential voters. Subdivisions (b) and (c) require the county elections official to restrict the access of elections staff to the confidential voter records. This is necessary to comply with Elections Code sections 2166, 2166.5, and 2166.7 and to safeguard the voter records of confidential voters.

Section 19083. Synchronization – This section provides the requirements for the county elections official to perform synchronization checks and how and when to resolve the differences. This section also gives directions to county elections officials on when synchronization checks should be generated, how the differences should be corrected and the prioritization of data corrections. Synchronization is necessary to ensure that voter registration records in the State are accurate and are updated regularly.

Subdivisions (a), (b) and (c). These provisions restate the synchronization requirements already discussed in sections 19060(c) and 19067(d) of these proposed regulations. The statement of reasons for subdivisions (a), (b) and (c) is also provided under those sections.

Subdivision (d). The purpose of subdivision (d) is to specify the list of categories the county elections official must prioritize to correct the data difference identified in the synchronization. Data errors must first be corrected in the County EMS because most of the data is either entered or verified at the county level. In most cases, correction made in the EMS will automatically correct the data in the statewide voter registration system. The SOS, in consultation with the EMS certification team and county elections officials, has determined this order of prioritization. This subdivision is necessary to comply with HAVA, 52 U.S.C. section 21083(a)(4), which requires the State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated regularly.

Subdivisions (e) and (f). The purpose of subdivisions (e) and (f) is to specify the list of categories the county elections official must prioritize to correct the data in the synchronization areas and provide the acceptable tolerance criteria to satisfy the synchronization check. The SOS, in consultation with the EMS certification team and county elections officials, has determined the order of priority of the synchronization area provided in subdivision (e) and (f). Paragraph (1) of subdivision (e) lists precinct and district data at the top. Paragraph (1) of subdivision (f) provides that precinct and district data must be 100% in synchronization between the EMS and the statewide voter registration system. Precinct and district data top the list because any difference in this data can impact the voter data of the entire county. Accurate precinct and district data is required for the Report of Registration, Voter Information Guide, and the Official List. Voter registration data comes at number two because the difference in voter registration data affects individual voters and not the voter data of the entire county. Voter registration data is also required for the Report of Registration, Voter Information Guide, and the Official List. Paragraph (2) of subdivision (f) provides the acceptable tolerance percentage for the synchronization check. The acceptable tolerance percentage must not be less than a fixed percentage of 99.9%, except for precinct and district data. Although the SOS and the county

elections official want the voter records to be 100% in synchronization, given the technical limitations of the system and considering the fact that voter records get updated constantly and multiple messages travel across various systems, it is not practicable to achieve 100% synchronization of the voter records between statewide voter registration system and the EMS. Therefore, the SOS, the EMS certification team, and county elections officials have mutually agreed upon the acceptable tolerance limit described in subdivision (f). Paragraph (3), (4) and (5) of subdivision (e) are at numbers (3), (4), and (5) of the list. It is based on the agreed acceptable tolerance limit described in paragraph (3) of subdivision (f). These provisions are necessary to comply with HAVA, 52 U.S.C. section 21083(a)(4), which requires the State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated.

Section 19084. Creation of County Administered Local and Statewide Elections and Election Naming Standards – This provision provides the requirements that county elections officials will enter the election name, precincts and polling places into the statewide voter registration system in accordance with Election Code sections 12223, 12241, and 12286 prior to county administered local and statewide elections. This subdivision is necessary to maintain statewide naming constancy for all elections and to ensure that elections and voter data is linked to the correct precincts.

Subdivision (a) provides that the SOS will create a record with the name of the statewide election. This subdivision is necessary so that all counties are linked to the same statewide election.

Subdivision (b) provides that the county elections official will create the names for the county administered local elections and the statewide elections in the county EMS and send the names and associated codes to the statewide voter registration system. This subdivision is necessary to link the data between the county EMS and the statewide voter registration system. This subdivision is also necessary to bring consistency in the election naming standards and to provide effective election administration throughout the state.

Subdivision (c). The purpose of subdivision (c) is to require the county elections official to send the election precinct and polling place data in the county EMS to the statewide voter registration system 29 days prior to the election as required by the Elections Code section 12286. This subdivision also provides that any change of a polling place made pursuant to Elections Code section 12281 must also be sent to the statewide voter registration system immediately. This subdivision is necessary to comply with the Elections Code sections 12223, 12241, and 12286 and to ensure that all precincts and polling places are established and sent to the statewide voter registration system so that they can be associated with each voter.

Section 19085. Election Naming Standards – This section provides the requirements that the county elections official use specific election names and associated codes for each election. These codes are used to link voters to data and are used for reporting purposes. These naming standards are necessary to ensure that county elections official use the prescribed codes necessary to create consistency in statewide elections.

Section 19086. Report of Registration – This section requires county elections officials to complete the tasks associated with generating a correct Report of Registration (ROR) and certify with the SOS that the ROR are ready for printing. This section is necessary to ensure county elections officials are aware of the tasks to be completed and verify the correctness of the data.

Subdivisions (a) and (b). The purpose subdivisions (a) and (b) is to specify the list of tasks the county elections official must complete prior to the SOS generating the ROR from the statewide voter registration system. Paragraphs (1) and (3) of this subdivision are the requirements discussed in section 19083 of these proposed regulations. Please refer to section 19083 for the statement of reasons. Paragraphs (2) and (4) are necessary to comply with Elections Code section 2187(a). Subdivision (b) restates the requirements of Elections Code section 2187(c). In addition, to comply with Elections Code section 2187, these provisions are also necessary to ensure that all voters are synchronized between the county elections official's EMS and the statewide voter registration system and the eligible precincts are linked to a political district so that the data is correctly reflected in the ROR.

Section 19087. Official List Extract – This section provides guidelines that must be used to create an Official List Extract from the statewide voter registration system. This section is necessary so that county elections official do not overlook the tasks necessary to perform prior to generating the Official List Extract.

Subdivision (a). The purpose of subdivision (a) is to require the county elections official to generate an Official List of voters from the statewide voter registration system. This subdivision is necessary to comply with HAVA, 52 U.S.C. section 21083(a)(1)(A)(viii), which requires that the computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.

Subdivision (b). The purpose of subdivision (b) is to specify the list of tasks the county elections official must complete before generating an Official List extract. In addition, to comply with HAVA, 52 U.S.C. section 21083(a)(1)(A)(viii), these tasks are necessary to be completed to ensure that an Official List generated is inclusive of all eligible voters within the county.

Subdivision (c). The purpose of subdivision (c) is to clarify that the Official List must contain all active and inactive voters as of an effective date. This subdivision is needed to ensure that that inactive voters must show up on the Official List as they retain the right to vote despite their inactive status per Elections Code section 2226.

Subdivision (d). The purpose of subdivision (d) is to clarify that the Official List must be generated from the statewide voter registration system and will be used to create the official election roster for county-administered local or statewide elections. This section further provides that the county elections official may add additional information to the official elections roster that is not present on the Official List extract as necessary for election purposes. This subdivision is necessary to comply with HAVA, 52 U.S.C. section 21083(a)(1)(A)(viii), which requires that the computerized list shall serve as the official voter registration list for the conduct of all elections for Federal office in the State.

Subdivision (e) provides that after the initial roster is generated, subsequent rosters can be created from the local county EMS or from the statewide voter registration system. This subdivision is necessary to allow county elections official to get the updated and most current information any voters who registered or updated their registration after the initial roster was created. This subdivision is also necessary for the effective administration of the election.

Section 19088. Voter Information Guide – This section requires that counties ensure that all voters in their county are in the statewide voter registration system and that all precincts have been assigned to an election prior to the SOS processing the mailing of the Voter Information Guide. Once completed, the county elections official must notify the SOS in writing that they are ready to extract their list of voters from the statewide voter registration system. This section is necessary to clarify the process regarding the preparation of the Voter Information Guide (VIG) to the county elections official.

Subdivision (a). The purpose of subdivision (a) is to specify the list of tasks the county elections official must complete prior to beginning the process for the mailing of the VIG for a statewide election. This subdivision lists two tasks related to synchronization, which has already been discussed in detail in section 19083. This subdivision is necessary to comply with the requirements of Elections Code section 9094, which requires the SOS to mail a state VIG to voters before the election.

Subdivisions (b) and (c). These subdivisions restate the requirements of Elections Code section 9094 except for the part where the subdivision (b) specifies that county elections official shall notify the SOS in writing that the county is ready for the initial state VIG between 60 days to 50 days before the election. Since the Election Code section 9094 requires the VIG to be mailed to those voters who are registered on or before the 60th day before the election, the SOS, in consultation with the county elections officials, determined that keeping the notification requirement in this subdivision between 60 to 50 days before the election is reasonable and practicable. This subdivision is necessary to comply with the requirements of Elections Code section 9094, which requires the SOS to mail state Voter Information Guides to voters before the election.

Section 19089. Pre-Registrants – This section provides the requirements for processing pre-registrations. Pre-registrants must be entered into the statewide voter registration system as “pending-underage” and must remain confidential until sixty (60) days before an election. At that point, their status must be changed to “active” and they must be deemed eligible to vote. This 60-day period prior to a pre-registrant’s 18th birthday allows them to be included in the Official List and voter file extracts, so that they will receive all relevant election materials from the state, their county, and other political groups for a short period immediately leading up to the election. This section is necessary to ensure that counties will pre-register voters using the same process throughout the state.

Subdivision (a). This subdivision restates the requirements of Elections Code sections 2102 and 2150. Therefore, this subdivision is non-substantive.

Subdivision (b). The purpose of subdivision (b) is to specify the term used to identify a pre-registrant in the EMS. The SOS, in consultation with the EMS certification team, determined to use the term “pending underage” to identify pre-registrant in the EMS. This subdivision is necessary to bring consistency across the state in the usage of the term regarding pre-registrant.

Subdivision (c). The purpose subdivision (c) is to specify the list of tasks the county elections official must complete at the time the pre-registrant turns 18 years of age. The county elections official is required to change their status from “pending underage” to “active” and send a notice informing them about their eligibility to vote. This subdivision is necessary to implement the Elections Code section 2155.3.

Subdivision (d). The purpose of this subdivision is to require the county elections official to mark a pre-registrant active who will turn 18 years of age on or before Election Day. This subdivision is necessary to implement the Elections Code section 2155.3, which requires that before any election in which a pre-registrant is eligible to vote, a pre-registrant will receive a state Voter Information Guide and county Voter Information Guide by mail, and per Elections Code section 9094, VIG must be mailed to those voters who registered on or before the 60th day before the election.

Subdivision (e). The purpose of subdivision (e) is to specify that all pre-registered voter data is confidential and not to be included on any list, index or roster until the pre-registrants turns 18 years of age and becomes a registered voter except for those pre-registrants who turned 18 years old 60 days prior to the election. This subdivision is necessary to comply with Government Code section 6254.4, which requires that the home address, telephone number, email address, precinct number, or other number specified by the Secretary of State for voter registration purposes, and prior registration information shown on the affidavit of registration, is confidential and shall not be disclosed to any person and Elections Code section 2155.3, which requires that before any election in which a pre-registrant is eligible to vote, a pre-registrant will receive a state Voter Information Guide and county Voter Information Guide by mail.

Section 19090. Changes in Mapping of Precincts to Statewide Political Jurisdictions – This section requires that elections officials immediately submit to the statewide voter registration system updated precinct data when they change precincts or perform redistricting activities in any state or federal political jurisdiction. This section is necessary so that voter’s records are always updated and linked to their correct precinct when a countywide, state or federal election is held. This section is necessary to comply with HAVA section 21083(a)(4), which requires the State election system shall include provisions to ensure that voter registration records in the State are accurate and are updated, and Elections Code section 2168, which requires the Secretary of State to establish and maintain a statewide system to facilitate the reporting of election results and voter and candidate information, and to otherwise administer and enhance election administration.

Section 19091. Vote-by-Mail Ballot Processing and Return Statuses – This section requires county elections officials to send vote-by-mail (VBM) information to the statewide voter registration system so that the status of these ballots appears on the SOS “My Voter Status” page. This section is necessary to ensure that VBM ballots are processed after polling place voter

participation history (VPH) has been applied and that the appropriate ballot return status reason code is applied so that voters can view their information on the SOS “My Voter Status” page.

Subdivision (a). The purpose of subdivision (a) is to require the county elections official to send all the data pertaining to the issuance of the vote-by-mail ballots. This subdivision is necessary to comply with Elections Code section 2170(f)(1)(B), which requires the county elections official to verify that the registrant has not voted in the state in that election. The statewide voter registration system must have this data along with other voter participation data for a county elections official to verify that a voter has not voted in the state in that election.

Subdivision (b). This subdivision restates the requirements of Elections Code section 3019.7. Therefore, this subdivision is non-substantive.

Subdivision (c). The purpose of subdivision (c) is to require the county elections official to update the statewide voter registration system with appropriate ballot return status and reason code. The SOS, in consultation with the EMS certification team and business process sub-committee of CACEO, determined the names of the terms to be used for ballot return status and reason codes. This subdivision is necessary to comply with Elections Code section 2168, which requires the Secretary of State to establish and maintain a statewide system to facilitate the reporting of election results.

Subdivision (d). The purpose of this subdivision is to require the SOS to display the information sent by the county election officials pursuant to subdivisions (a) through (c) on the “My Voter Status” page of the SOS’s website. This subdivision is necessary to comply with Elections Code section 2168, which requires the SOS to establish and maintain a statewide system to facilitate the reporting of election results and voter and candidate information, and to otherwise administer and enhance election administration.

Section 19092. Vote-by-Mail Ballot Reason Codes – This section provides the required reasons that can be used for VBM ballots where the return status is “Not Accepted.” It also explains how to assign a code for ballots that have not had a final adjudication. The required “Not Accepted” reasons appears on “My Voter Status” page of the SOS’s website. The SOS, in consultation with the EMS certification team and business process sub-committee of CACEO, has determined the names of the terms to be used for ballot return status and reason codes. This section is necessary to ensure consistency and uniformity across the state with respect to the processing and identification of VBM ballots in the statewide voter registration system and for the transparency of the voting process for the voter and the county elections official. This section is also necessary to comply with Elections Code section 2168, which requires the Secretary of State to establish and maintain a statewide system to facilitate the reporting of election results and voter and candidate information, and to otherwise administer and enhance election administration.

Section 19093. Provisional Ballot Processing and Return Statuses – The purpose of this section is to specify the procedures for the county elections official to follow in the event a voter’s provisional ballot is to be included in the semi-official or official canvass. This section is necessary to comply with Elections Code Section 14310(d), which requires the SOS to establish

a free access system that any voter who casts a provisional ballot may access to discover whether the voter's provisional ballot was counted and, if not, the reason why it was not counted.

Section 19094. Provisional Ballot Reason Codes – This section provides the required reasons that can be used for provisional ballots where the return status is “Not Counted.” It also explains how to assign a code for ballots that have not had a final adjudication. The required “Not Counted” reasons must appear on “My Voter Status” page of the SOS’s website. The SOS, in consultation with the EMS certification team and business process sub-committee of CACEO, has determined the names of the terms to be used for provisional ballot reason codes. This section is necessary to ensure consistency and uniformity across the state with respect to the processing and identification of provisional ballots in the statewide voter registration system and for the transparency of the voting process for the voter and the county elections official. This section is also necessary to comply with Elections Code section 2168, which requires the Secretary of State to establish and maintain a statewide system to facilitate the reporting of election results and voter and candidate information, and to otherwise administer and enhance election administration and Elections Code Section 14310(d), which requires the SOS to establish a free access system that any voter who casts a provisional ballot may access to discover whether the voter's provisional ballot was counted and, if not, the reason why it was not counted.

Section 19095. Conditional Voter Registration Provisional Ballot Processing – This section restates the requirements of Elections Code section 2170 and Sections 20025 and 20026 of Title 2, Division 7, Chapter 1, Article 3.5 of the California Code of Regulations. Therefore, this section is non-substantive.

Section 19096. Ballot Status – The purpose of this section is to require a county elections official to send status updates of each VBM, provisional, and CVR ballot to the statewide voter registration system. Subdivision (b) establishes a time period of 31 days after the election within which the county elections official must resolve the “In Review” status of each category of ballots listed above. Elections Code section 15375 requires the county elections official to transmit to the SOS a copy of election results within 31 days of the election. Therefore, the time period to resolve the “In Review” status of each ballot must not be more than 31 days after the election. This section is necessary to comply with Elections Code section 2168, which requires the SOS to establish and maintain a statewide system to facilitate the reporting of election results and voter and candidate information, and to otherwise administer and enhance election administration, and Elections Code Section 14310(d), which requires the SOS to establish a free access system that any voter who casts a provisional ballot may access to discover whether the voter's provisional ballot was counted and, if not, the reason why it was not counted.

Section 19097. Voter Participation History – The purpose of this section is to clarify the process for applying a voter's voter participation history in the statewide voter registration system and the maintenance and display of that information on the SOS website. This section is necessary to comply with Elections Code section 2168, which requires the Secretary of State to establish and maintain a statewide system to facilitate the reporting of election results and voter and candidate information and to otherwise administer and enhance election administration.

Section 19098. Certification of Elections Official – This section represents a renumbering of Section 20108.80, except that the form previously incorporated by reference is now included in the regulation text. This section is non-substantive.

Chapter 2. Statewide Voter Registration Database – This chapter has been moved to Chapter 1, Article 2.5. No section remains within this chapter as all have been repealed or renumbered, as detailed below.

Section 20108. Purpose – This section is repealed and replaced with Section 19060 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

Section 20108.1. Definitions – This section is repealed and replaced with Section 19062 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

Section 20108.12. Action Required – This section is repealed and replaced with Section 19061 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

Section 20108.15. Data Exchange Standards – This section is repealed and replaced with Section 19063 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. The data exchange methods from the old Calvoter system and the new statewide voter registration system is messaging based, making much of this section obsolete. This change is necessary to achieve this purpose.

Section 20108.18. Official Statewide Voter Registration List – This section is repealed and replaced with Sections 19076, 19083, and 19087 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

Section 20108.20. Elections Management System Requirements – This section is repealed and replaced with Sections 19063, 19066, and 19067, 19068, 19069, and 19070 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

Section 20108.25. Deficient Registration Records – This section is repealed and replaced with Section 19072 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

Section 20108.30. Confirmation of California Driver’s License and State Identification Number for Affidavits of Registration Submitted Prior to January 1, 2006 – This section is repealed as it is obsolete; no affidavits received prior to this date are processed through the new statewide voter registration system. This change is necessary to conform with current law and practices.

Section 20108.35. Active Voter Files – This section is repealed and replaced with Section 19061 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

Section 20108.36. Inactive Voter Files – This section is repealed and replaced with Section 19061 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

Section 20108.37. Processing New Voter Registration Applications – This section has previously been repealed in all but title and section number. This section is obsolete. The purpose of removing this section title and number is to conform with the new numbering scheme for these regulations. This change is necessary to achieve this purpose.

Section 20108.38. Additional Processing for Voter Registration Applications Submitted by Mail for New Voters – This section is repealed and replaced with Section 19075 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

Section 20108.40. Updating Calvoter with New Registration Records and Changes to Existing Registration Records – This section is repealed and replaced with Section 19061 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

Section 20108.45. Changes in the Mapping of Precincts to Statewide Political Jurisdictions – This section is repealed and replaced with Section 19090 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

Section 20108.50. National Change of Address Processing – This section is repealed and replaced with Section 19078 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

Section 20108.51. Department of Motor Vehicles Change of Address Processing – This section is repealed and replaced with Section 19080 of these proposed regulations. The purpose

of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

Section 20108.55. State Death and Felony Status Records – This section is repealed and replaced with Section 19079 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

Section 20108.60. Duplicate Registration Records – This section is repealed and replaced with Section 19077 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

Section 20108.65. Verification of Driver’s License Numbers, State Identification Numbers, and Social Security Numbers Listed on Affidavits of Registration – This section is repealed and replaced with Section 19073 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

Section 20108.70. No Driver’s License Number, State Identification Number, or Social Security Number Listed on Affidavit of Registration – This section is repealed and replaced with Section 19073 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

Section 20108.71. Replacement of Unique Identification Numbers – This section is repealed and replaced with Section 19074 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

Section 20108.75. Voting History – This section is repealed and replaced with Section 19097 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

Section 20108.80. Certification of Elections Official – This section is repealed and replaced with Section 19098 of these proposed regulations. The purpose of this change is to conform with the new numbering scheme for these regulations and to make each regulatory section consistent with current law. This change is necessary to achieve this purpose.

ECONOMIC IMPACT STATEMENT

The proposed regulations reflect updated business practices for the current statewide voter registration system. These regulations eliminate outdated requirements, define processes, add new procedures and give guidance to ensure data accuracy and data constancy statewide. These

regulations benefit California residents as they expand the opportunities for them to participate in the democratic process by providing voters, via the SOS website, the ability to determine if they are registered to vote, their political party and language preference, if their participation history was recorded and the status of their vote by mail or provision ballot.

Creation or Elimination of Jobs within the State of California

It is not anticipated that these regulations will create or eliminate jobs within the State of California. These regulations codify current practices related to the statewide voter registration system and county EMSs to facilitate elections in California, consistent with state and federal law. Therefore, no additional staff should be required.

Creation of New or Elimination of Existing Businesses within the State of California

These regulations are anticipated to affect the Secretary of State and local elections offices. They also affect third-party software vendors who create and maintain EMS software. EMS software, however, exists independent of these regulations as a necessary component of county election administration, not solely as a result of these regulations. Therefore, we do not anticipate the creation of new or the elimination of existing businesses.

Expansion of Businesses or Elimination of Existing Businesses within the State of California

These regulations are anticipated to affect the Secretary of State and local elections offices. They also affect third-party software vendors who create and maintain EMS software. EMS software, however, exists independent of these regulations as a necessary component of county election administration, not solely as a result of these regulations. Therefore, we do not anticipate the expansion of or elimination of existing businesses.

Benefits of the Regulations

These regulations benefit California residents as they expand the opportunities for them to participate in the democratic process by providing voters, via the SOS website, the ability to determine if they are registered to vote, their political party and language preference, if their participation history was recorded and the status of their vote by mail or provision ballot.