

**California Secretary of State  
Proposed Regulatory Action  
Statewide Voter Registration System and Conditional Voter Registration  
Proposed Regulation Text**

**Title 2. Administration  
Division 7. Secretary of State**

**Changes to the permanent regulations**

The California Secretary of State is proposing to amend the following existing regulations: Sections 19092, 19094 and 19097 of Article 2.5 and Chapter 1., and Sections 20021, 20023, 20025, 20026 and 20027 of Article 3.5 of Chapter 1. Changes to the permanent regulations (including changes previously made by emergency regulatory action and current in effect) are shown as strikethrough for text removed and underlined for the text added.

Chapter 1. Voter Registration  
Article 2.5. Statewide Voter Registration System

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

(a) For all VBM ballots where the ballot return status is “Not Accepted,” an appropriate reason code shall be assigned by the county elections official.

(b) If a VBM ballot has not had a final adjudication, the county elections official shall assign the ballot return status of “Not Accepted” and either a temporary rejection reason code of “In review,” or one of the applicable rejection reason codes set forth in subdivision (c) below. Upon the final adjudication of the ballot, “In review” shall be replaced with either a ballot return status of “Accepted” or with a rejection reason code for “Not Accepted” as provided in subdivision (c) below.

(c) If a county elections official does not accept a VBM ballot, then a ballot return status of “Not Accepted” shall be assigned along with one of the rejection reason codes listed below:

(1) “Voter already voted.” This reason code shall be used when rejecting a VBM ballot that was submitted by a voter when the voter already has an accepted or counted ballot in California for that election, when the voter has previously:

(A) Voted at a location as provided in Elections Code section 338.5;

(B) Returned a VBM ballot in California that was accepted by a county elections official;

(C) Returned a provisional ballot that has been processed and counted in the same or another county; or

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

(2) “No voter signature.” This reason code shall be used when the voter did not provide a signature on the VBM ballot envelope.

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

- (4) “Ballot missing from envelope.” This reason code shall be used when the VBM ballot envelope did not contain a ballot.
- (5) “Voter deceased.” This reason code shall be used when it is determined that the voter was deceased prior to the signature on the envelope or when the ballot has been returned unvoted with a notation that the voter is deceased.
- ~~(6) “Missing or incorrect address on the envelope.” This reason code shall be used when the address is missing from the VBM envelope or when the address does not match the registration record on file in the elections office.~~
- ~~(7)~~(6) “Multiple ballots returned in one envelope.” This reason code shall be used when more than one VBM ballot is returned in an envelope and an equal amount of distinct signatures are not on the envelope that can be attributed to eligible voters; this scenario is described in paragraph (10) of subsection (c) of Section 20991, of Article 9 of chapter 8.3 of Division 7 of Title 2 of California Code of Regulations.
- ~~(8)~~(7) “Ballot was not received in time.” This reason code shall be used when a VBM ballot was postmarked after Election Day or was postmarked on or before Election Day and was received by the county elections office more than the prescribed days set forth in Section 3020 of the Elections Code after the election or was delivered to the polls or vote center after the close of the polls on Election Day.
- ~~(9)~~(8) “VBM ballot was undeliverable.” This reason code shall be used when the voter has not cast their VBM ballot and the VBM ballot is returned by the United States Postal Service and marked undeliverable.
- ~~(10)~~(9) “No ID provided.” This reason code shall be used in a federal election when a first-time registrant, who is also a first-time voter, did not provide a California driver license or state identification number or the last four (4) digits of their social security number when they registered to vote, pursuant to Section 19075 of this article, and they did not provide the information required by Section 20107 of article 7 of chapter 1 of Division 7 of Title 2 of California Code of Regulations, prior to the final adjudication of the ballot.
- ~~(10)~~~~(11)~~(10) “Cancelled.” This reason code is used when a voter has not cast their VBM ballot and the VBM ballot was voided, spoiled, or the VBM ballot was surrendered or suspended and re-issued.
- ~~(12)~~(11) “Please contact your county for further information.” This reason code shall be used when the county rejection reason is not “In review” or as provided in (c) (1-~~11~~911) above.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference: Sections 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3007.5, 3007.7, 3007.8, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3016.5, 3017, 3018, 3019, 3019.5, 3019.7, 3020, 3021, 3021.5, 3022, 3023, 3024, 3025, and 3026, Elections Code; 52 U.S.C. Section 21083.*

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

- (a) For all provisional ballots where the ballot return status is “Not Counted,” an appropriate reason code shall be assigned by the county elections official.
- (b) If a provisional ballot has not had a final adjudication, the county elections official shall assign the ballot return status of “Not Counted” and either a temporary rejection reason code of “In review;” or one of the applicable rejection reason codes set forth in subdivision (c) below.

Upon the final adjudication of the ballot, “In review” shall be replaced with either a ballot return status of “Counted” or with a rejection reason code for “Not Counted” as provided in subdivision (c) below.

(c) If a county elections official does not count a provisional ballot, then a ballot return status of “Not Counted” shall be assigned along with one of the rejection reason codes listed below:

(1) “Voter already voted.” This reason code shall be used when rejecting a provisional ballot that was submitted by a voter when the voter already has an accepted or counted ballot in California for that election, when the voter has previously:

(A) Voted at a location as provided in Elections Code section 338.5;

(B) Returned a VBM ballot in California that was accepted by a county elections official;

(C) Returned a provisional ballot that has been processed and counted in the same or another county; or

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

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

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

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

(5) “Voter not registered.” This reason code shall be used when the voter’s record is missing substantive information, which means the registration does not contain the facts necessary to determine eligibility to vote, including name, place of residence and date of birth.

(6) “Voted in wrong county.” This reason code shall be used when a voter voted in a county where he/she was not registered.

(7) “Voted wrong ballot.” This reason code shall be used when a voter voted a ballot that he/she is not eligible to vote.

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

(9) “No ID provided.” This reason code shall be used in a federal election when a first-time registrant, who is also a first-time voter did not provide a California driver license or state identification number or the last four (4) digits of their social security number when they registered to vote, pursuant to Section 19075 of this article, and they did not provide the information required by Section 20107 of Article 7 of Chapter 1 of Division 7 of Title 2 of California Code of Regulations, prior to the final adjudication of the ballot.

~~(9)~~(10) “Please contact your county for further information.” This reason code shall be used when the county rejection reason is not “In review” or as provided in (c) (1-~~98~~) above.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code.*

*Reference; 52 U.S.C. Section 21083.*

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

- (a) The county elections official shall send voter participation history to the statewide voter registration system in near real time starting with the first day of voting for each voter that has participated in a specific election.
- (b) Voter participation history shall accurately indicate the method of participation ~~early~~, vote-by-mail, polling place, vote center, ~~or CVR~~, or Nonprovisional CVR.
- (c) Voter participation history shall be displayed on the Secretary of State’s “My Voter Status” page.

*Note: Authority cited: Section 12172.5, Government Code; Sections 10 and 2168, Elections Code. Reference; 52 U.S.C. Section 21083.*

## **Chapter 1. Voter Registration**

### **Article 3.5 Conditional Voter Registration.**

#### **20021. Definitions.**

- (a) “Conditional voter registration” has the same meaning as set forth in Elections Code section 2170(a).
- (b) A “CVR voter” is a person who, on Election Day or the fourteen (14) days immediately preceding Election Day, does both of the following:
  - (1) Delivers an executed affidavit of registration to the county elections official in order to register to vote in California for the first time, or re-register to vote in the same or a different county in California. The executed affidavit of registration can be submitted either in person at ~~the~~ any permanent office of the county elections official, at ~~a~~ any vote center or polling place, or at ~~a~~ any satellite office designated by the county elections official or online through the Internet Web site of the Secretary of State.
  - (2) Requests a CVR ~~provisional~~ ballot at ~~the~~ any permanent office of the county elections official, at ~~a~~ any vote center or polling place, or at ~~a~~ any satellite office designated by the county elections official. As set forth in subdivision (f) of Elections Code section 2170, a county elections official may issue a nonprovisional ballot in place of a provisional ballot.
- (c) A “CVR provisional ballot” is the type of provisional ballot issued to a CVR voter. If a provisional ballot is issued to a CVR voter, it is referred to as a “CVR provisional ballot.” If a nonprovisional ballot is issued to a CVR voter, it is referred to as a “CVR ballot.”
- (d) “Satellite office” has the same meaning as “satellite location,” as used in subdivision (b) of Elections Code section 3018.

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

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

- ~~(a) County elections officials shall offer CVR and CVR provisional voting at all permanent offices of the county elections official.~~
- ~~(b) In an election that is conducted using vote centers, the county elections official shall offer CVR and CVR provisional voting at all vote centers.~~
- ~~(c) In an election that is not conducted using vote centers:~~
- ~~1. The county elections official may offer CVR and CVR provisional voting at satellite offices designated by the county elections office. If a county intends to use a satellite office(s) for CVR, the county shall notify the Secretary of State no later than 14 days prior to voting and provide the location, operating hours, and contact information. The Secretary of State shall post that information on the Secretary of State Web site.~~
  - ~~2. CVR and CVR provisional voting may be offered at a polling place only if the county elections official has designated that specific polling place as a satellite office, as provided in (c)(1) above.~~
- ~~(d) Locations identified in (a) - (c) above, where CVR and CVR provisional voting is offered shall have the following:~~
- ~~1. An electronic poll book, access to the county's local election management system, in whole or in part, or the means to otherwise provide the CVR voter with the ballot for the proper precinct in which the voter is entitled to vote.~~
  - ~~2. A ballot on demand printing system or access to all ballot styles utilized in the specific election.~~

County elections officials shall offer CVR and CVR voting at any permanent office of the county elections official, at any vote center or polling place, or at any satellite office designated by the county elections official, and as is described in subdivisions (d) through (f) of Elections Code section 2170. If a satellite office has been designated by the county elections office, the county shall notify the Secretary of State no later than 14 days prior to voting and provide the location, operating hours, and contact information. The Secretary of State shall post that information on the Secretary of State Web site.

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

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

If a voter's conditional voter registration is deemed effective pursuant to Elections Code section 2170, the county elections official shall process a voter's CVR ballot as they process other nonprovisional ballots, and shall process a ~~the~~ voter's CVR provisional ballot as provided in this section.

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

- (b) The county elections official shall immediately upon adjudication of the voter's CVR provisional ballot, enter into the statewide voter registration system a ballot return status and reason code.
- (c) The ballot return status of a ballot shall be indicated as either:
1. Counted," or
  2. "Not Counted."
- (d) If the voter is registering for the first time in California, the county elections official shall assign the CVR provisional ballot:
- (1) A ballot return status of "Counted" or "Not Counted," and
  - (2) An appropriate reason code in accordance with section 20026 if the ballot status is "Not Counted."
- (e) If the voter is re-registering in California, the county elections official shall:
- (1) Conduct research using the statewide voter registration system to determine if the CVR provisional ballot shall be "Counted" or "Not Counted."
  - (2) Assign the CVR provisional ballot a ballot return status of "Counted" or "Not Counted."
  - (3) Assign an appropriate reason code in accordance with section 20026 if the ballot return status is "Not Counted."
- (f) CVR provisional ballot information referred to in (d) and (e) above, indicating whether a CVR provisional ballot is counted or if it is not counted and the reason why it was not counted, shall be displayed on the Secretary of State's "My Voter Status" page, along with the voter participation history.

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

## **20026. Conditional Voter Registration Provisional Ballot Reason Codes.**

- (a) For all CVR provisional ballots where the ballot return status is "Not Counted," an appropriate reason codes shall be assigned by the county elections official.
- (b) If a CVR provisional ballot has not had a final adjudication, the county election official shall assign the ballot return status of "Not Counted" and either a temporary rejection reason code of "In review;" or one of the applicable rejection reason codes set forth in subdivision (c) below. Upon the final adjudication of the ballot, "In review" shall be replaced with either a ballot return status of "Counted" or with a rejection reason code for "Not Counted" as provided in subdivisions (c) and (d) below.
- (c) A county elections official shall not count a CVR provisional ballot and shall assign the ballot a status of "Not Counted" with one of the reason codes listed below:
1. "Voter already voted." This reason code shall be used when the voter has an accepted or counted ballot in California for that election, when the voter has previously
    - (A) voted at a location as provided in Elections Code section 338.5,
    - (B) returned a vote-by-mail (VBM) ballot in California that was accepted by a county elections official,
    - (C) returned a provisional ballot that has been processed and counted in the same or another county, or

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

2. “No voter signature.” This reason code shall be used when the voter did not provide a signature on the CVR provisional ballot envelope.
3. “Non-matching signature.” This reason code shall be used when the voter provided a signature on the CVR provisional ballot envelope that did not compare to the signature on file with the county.
4. “Ballot missing from envelope.” This reason code shall be used when the CVR provisional ballot envelope did not contain a ballot.
5. “Voter not registered.” This reason code shall be used when the voter’s record is in a deficient status pursuant to Elections Code section 2150 et seq., which means the registration does not contain the facts necessary to determine eligibility to vote, including name, place of residence and date of birth.
6. “Envelope was incomplete and/or illegible.” This reason code shall be used when the substantive information provided on the CVR provisional ballot envelope was missing or unclear.
7. “No ID provided.” This reason code shall be used in a federal election when a first-time registrant, who is also a first-time voter, did not provide a California driver license or state identification number or the last four (4) digits of their social security number when they registered to vote, pursuant to Section 19075 of Article 2.5 of chapter 1 of Division 7 of Title 2 of California Code of Regulations, and they did not provide the information required by Section 20107 of article 7 of chapter 1 of Division 7 of Title 2 of California Code of Regulations, prior to the final adjudication of the ballot.
78. “Please contact your county for further information.” This reason code shall be used when the county rejection reason is not “In review” or as provided in (c)(1-76) above.

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

1. “Voted in wrong county.”
2. “Voted wrong ballot.”

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

## **20027. Voter Participation History.**

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

(a) The county elections official shall send voter participation history to the statewide voter registration system in near real time starting with the first day of voting for each voter that has participated in a specific election.

(b) Voter participation history shall accurately indicate the method of participation, vote-by-mail, polling place, vote center, CVR, or Nonprovisional CVR.

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

(c) Voter participation history shall be displayed on the Secretary of State's "My Voter Status" page.

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