

California Secretary of State
Proposed Regulatory Action: Experimental Use of a Voting System in a Pilot
Program Draft Regulations Text Addendum to the Initial Statement of Reasons

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

These comments address updates to the Proposed Regulation Text, which was originally submitted for a 45-day public comment on August 5, 2022, and for which a public hearing was held on September 20, 2022. Changes to the Proposed Regulation Text were made based upon comments received during the 45-day public comment period.

Section 20685. General Provisions – We have added the language “and comply with California Code of Regulations, Title 2, Sections 20260-20268” in subdivision (d)(2)(iii) to identify the specific California Code of Regulations sections that govern ballot on demand system certification in California. This is a nonsubstantive change.

Section 20685. General Provisions – We have removed the language “the connectivity requirements described in” in subdivision (d)(4) to provide clarity that the entirety of Section 19205 of the Elections Code must be met. This is a nonsubstantive change.

Section 20686. Application – We have removed subdivision (b) from the final proposed regulation because the desired update to this subdivision would be duplicative with the update made to Section 20688 subdivision (a) of these regulations and therefore unnecessary to be part of the California Code of Regulations.

Section 20686. Application – The removal of subdivision (b) has changed the original subdivision (c) to the new subdivision (b). This is a nonsubstantive change.

Section 20687. Pilot Program Plan – We changed the word “means” to “include” in subdivision (a)(8)(iii) for improved clarity. This is a nonsubstantive change.

Section 20687. Pilot Program Plan – We added the language “in compliance with applicable state and federal laws” in subdivision (a)(10)(i) for improved clarity. This is a nonsubstantive change.

Section 20687. Pilot Program Plan – We changed “SOS” to “Secretary of State” in subdivision (b) to remain consistent with the regulations. This is a nonsubstantive change.

Section 20688. System Demonstration - We added the language “for the Secretary of State” in subdivision (a) to provide clarity as to whom the system must be demonstrated. This is a nonsubstantive change.

Section 20688. System Demonstration - We added the word “calendar” in subdivision (a) to remain consistent with the regulations. This is a nonsubstantive change.

Section 20688. System Demonstration - We added the language “at the location as agreed upon by the Secretary of State and the jurisdiction” to subdivision (a) to provide clarity as to whom determines the location of the system demonstration.

Section 20688. System Demonstration – We added the language “At the time of the demonstration the system shall be complete and ready for use by the applicant.” and created the new subdivision (b) to clarify the level of system development required at the time of system demonstration, warrant the removal of subdivision (b) of Section 20686, and provide the applicant an additional thirty (30) days of development time after application submittal to the Secretary of State.

Section 20688. System Demonstration – We took part of subdivision (a) and created the new subdivision (c) for cleanliness. This is a nonsubstantive change.