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ELECTIONS DIVISION

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County Clerk/Registrar of Voters (CC/ROV) Memorandum # 16118

TO: All County Clerks/Registrars of Voters

FROM: /s/ Jana M. Lean
Chief, Elections Division

RE: Presidential Primary: Telephonic Vote-by-Mail Ballots Application: Cross Over
Ballot Requests

We have received several inquiries with respect to whether a county should allow No Party Preference (NPP) voters to request cross over ballots electronically and/or over the telephone. Although electronic and telephonic vote-by-mail applications are allowable under Elections Code sections 3007.5, 3007.7, and 3007.8, the code requires NPP voters to personally affix, to the application, the name of the political party for whom they are requesting a ballot.

Sections 3007.5 and 3007.7 allow for an electronic application, however, section 3007.5(c) provides that the application contains “a checkoff box with a conspicuously printed statement that reads substantially similar to the following: ‘I have declined to disclose a preference for a qualified political party. However, for this primary election only, I request a vote by mail ballot for the ____ Party.’ The name of the political party shall be personally affixed by the voter.” (Emphasis added.)

Section 3007.8, which allows for telephonic vote-by-mail applications, provides in subsection (e) that all provisions of the Elections Code governing written applications for vote-by-mail ballots shall apply to applications made by telephone. Section 3006 provides for written applications. In subsection (c) it also provides that the NPP voter personally affix the name of the political party for whom they are requesting a ballot.

The same requirement for NPP voters to personally affix the name of the political party appears in section 3205(b). That section which requires county elections officials to send their permanent vote-by-mail NPP voters a notice and application regarding the ability for those voters to request cross over ballots.

Since a voter cannot “personally affix” the name of the political party during an electronic or telephonic vote-by-mail request, cross over ballot requests cannot be completed either electronically or telephonically.

If you have any questions, please contact Robbie Anderson at Robbie.Anderson@sos.ca.gov or (916) 657-2166. Thank you.