



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
ELECTIONS DIVISION

1500 11th Street, 5th Floor, Sacramento, CA 95814 | **Tel** 916.657.2166 | **Fax** 916.653.3214 | www.sos.ca.gov

May 22, 2018

County Clerk/Registrar of Voters (CC/ROV) Memorandum #18136

TO: All County Clerks/Registrars of Voters
FROM: /s/ Jana M. Lean
Chief, Elections Division
RE: Primary Election: Close of Voter Registration

Yesterday, May 21, 2018, was the close of voter registration for the upcoming June 5, 2018, Statewide Direct Primary Election. The Secretary of State's office would like to take the opportunity to remind all county elections officials that, in accordance with Elections Code section 2165, they must process all voter registration affidavits (including those forwarded from the DMV) immediately.

For your reference, the following statutes and regulations provide guidance for the receipt and processing of voter registration affidavits received from the DMV and agencies designated as a voter registration agency pursuant to the NVRA.

- Elections Code section 2261(c) provides that "It is the intent of the Legislature to enact the California New Motor Voter Program to provide California citizens additional opportunities to participate in democracy through exercise of their fundamental right to vote."
- Elections Code section 2102(a)(2) states that a properly executed affidavit of registration shall be deemed effective upon receipt of the affidavit by the county elections official if the affidavit is submitted to the DMV or accepted by any other public agency designated as a voter registration agency pursuant to the NVRA.
- Elections Code section 2219(a) provides that county elections officials shall accept affidavits of registration at all times except during the 14 days preceding an election.
 - However, Section 2219(d) provides an exception and states that the county elections official shall accept an affidavit of registration or a notification for the forthcoming election and shall immediately update the address on the voter's affidavit of registration accordingly if the affidavit of registration or notification is executed on or before the 15th day prior to

the election and the affidavit of registration or notification is submitted to the DMV or accepted by any other public agency designated as a voter registration agency pursuant to the NVRA on or before the 15th day prior to the election.

- Section 20108.12 of the California Code of Regulations provides, in part, “Unless otherwise provided in law, an elections official who receives a notice requesting a change to, or cancellation of, a voter's registration record pursuant to the California Elections Code or this chapter shall perform and complete the requested action within five (5) business days. During the five (5) business day period, county elections officials shall take all reasonable actions to research and resolve the requested action, including but not limited to, reviewing registration and voting history, reviewing source documents, matching signatures and contacting registrants directly.”
- Section 20108.40 of the California Code of Regulations provides that whenever an elections official receives a new registration record, or a change to an existing registration record or makes a change to an existing registration record, whether in response to a notice from the Secretary of State or otherwise, the elections official shall process such information in accordance with Section 20108.12 and shall process that registration record in accordance with Section 20108.15 on the business day in which the changes are made to the elections management system.

The link to the full version of the regulations can be found here:

<http://www.sos.ca.gov/administration/regulations/current-regulations/elections/statewide-voter-registration-database/#section-20108.12>

If you have any questions, please feel free to contact me at jean@sos.ca.gov or (916) 657-2166. Thank you.