

Section 4: Procedures for New Voters. **Vote-by-Mail Voting, Provisional Voting, and Other Situations**

Poll workers will face a variety of situations involving proof of identification for first-time voters, vote-by-mail voters, provisional voters, multiple-precinct polling, and electioneering. To address these situations, poll workers should be educated on the details below. Some situations are relatively rare, so a poll worker should not hesitate to contact the county elections official if any questions arise.

New U.S. Citizens and New California Residents

- The law allows any new U.S. citizen to register and vote at the office of the county elections official between Election Day and 14 days before Election Day. Although the new U.S. citizen should have voted in the office of the elections official, if people identify themselves as new U.S. citizens and are not on the voter list they should be given provisional ballots. In the alternative, the new U.S. citizen may use the conditional voter registration process. (§§ 2170, 3500, 3501, 3502)
- The law allows any new California resident to register and vote at the office of the county elections official between 7 and 14 days before Election Day. Although the new resident should have voted in the office of the elections official, if people identify themselves as new residents of the precinct and are not on the voter list they should be given provisional ballots. In the alternative, the new resident may use the conditional voter registration process. (§ 2170, 3400 - 3408)

Certain First-Time Voters

- Under federal law, first-time voters who registered by mail may be required to show identification to vote. Poll workers should know the requirements and limited conditions under which they need to see a voter's identification. Poll workers may only ask a voter to provide their identification if the voter list clearly indicates that identification is required. This notation on the voter list will be made when the voter mailed in a voter registration form without providing a driver license number or the last four digits of their social security number and the voter has not subsequently provided the election official with the required identification. (HAVA § 303(b); Cal. Code of Regs., tit. 2 § 20107)
- Poll workers may only ask a voter to provide identification if the voter list explicitly states identification is required because the voter is a new voter who mailed in a voter registration form without identification. When asking for identification, the poll workers should know which forms of identification are acceptable. Please note that photo identification is not required, but is simply one of several acceptable forms of identification. Poll workers should also be instructed that a photo identification does not have to contain the voter's address or be issued by a government agency. Poll workers should be provided with a list of examples of acceptable forms of identification as listed in Section 20107 of the California Code of Regulations.

- Poll workers should explain to those voters why they, and not all voters, are being asked to show identification.
- Poll workers should clearly explain that if a voter who is required to provide identification does not have any acceptable form of identification or does not wish to provide identification, the voter is entitled to cast a provisional ballot and should be politely offered one. (§ 14310; Cal. Code of Regs., tit. 2 § 20107(c))
- Poll workers should also remind the voter that they can check the status of their provisionally cast ballot by contacting their county elections official.

Action to Compel Voter Registration

- A voter who states they registered to vote through the California Department of Motor Vehicles or another public agency that provides voter registration services, but is not on the official voter list, may go to the county superior court to compel the county to place them on the voter list. The poll worker should direct the voter to the county elections official for further information. (§ 2142(b)) In the alternative, the voter may use the conditional voter registration process. (§ 2170)

Returning Vote-by-Mail Ballots

- Voters have multiple options if they decide not to mail their ballots in.

They can:

1. Turn in the voted vote-by-mail ballot in person to the office of the elections official, or at any polling place, a vote center, a vote-by-mail drop-off location, or a drop box in the state on or before 8:00 p.m. on Election Day. (§§ 2300(a)(7), 3020, 14212);
2. Appear at their designated polling place on Election Day, or appear at a vote center or the regular or satellite office of their elections official where voting is permitted on or before Election Day, and
 - Vote a nonprovisional ballot (a ballot that does not go into an envelope) if either of the following conditions is satisfied (§ 3015):
 - a) The voter surrenders their vote-by-mail ballot, or
 - b) The voter is unable to surrender their vote-by-mail ballot, but the precinct board, vote center election board, or elections official does all of the following:
 - (i) Verifies that the voter has not returned their voted vote-by-mail ballot, and
 - (ii) Notates the voter's voter record to ensure that the voter's vote-by-mail ballot is not cast or tabulated after they vote at the polls.

- Vote a provisional ballot if (§§ 3016, 14310(f)):
 - a) The voter is unable to surrender their vote-by-mail ballot and
 - b) The precinct board, vote center election board, or elections official cannot:
 - (i) Verify if the voter has returned their voted vote-by-mail ballot, and
 - (ii) Notate the voter's voter record accordingly.

- OR -

- a) The voter is unable to surrender their vote-by-mail ballot and the precinct board or elections official cannot readily determine if the voter is in the correct polling location.
- A voter may vote their vote-by-mail ballot, without the identification envelope, in person at the voter's polling place or a vote center if the precinct or vote center board has real-time access to the county elections officials election management system, and does both of the following: verifies that the voter has not returned a vote-by-mail ballot for that election, and changes the status of the voter in the election management system from a vote-by-mail voter to an in person voter. In addition, after the voter's status has been changed, the voter must provide their name, address, and signature pursuant to Section 14216. Finally, the elections official must establish procedures to ensure that a voter who casts a ballot using this method does not submit more than one vote-by-mail ballot without the identification envelope, and the precinct or vote center board must comply with those procedures. (§ 3016.5)
 - A voter who surrenders their vote-by-mail ballot is not required to surrender their vote-by-mail identification envelope.
 - It is not uncommon for a voter to receive a vote-by-mail ballot in the mail, then either forget to mail it back before Election Day or decide to hand-deliver it to the polls. Poll workers must be informed they must accept any vote-by-mail ballot issued to any voter in the state, either from the voter or from a designated third party delivering it for the voter. County elections officials will sort those vote by mail ballots into the proper precinct or forward them to the appropriate California county election official. Designated third parties are any person who is not compensated based on the number of ballots returned if the voter requested and received their ballot under late vote-by-mail conditions (7 or fewer days before Election Day), the voter can authorize any person to return the ballot for them. (§ 3017)
 - Sometimes voters change their minds and want to vote at the polls instead of by mail. Poll workers should be taught how to handle surrendered vote-by-mail ballots brought in by these voters. Poll workers should be trained how to record

and handle voted and surrendered vote-by-mail ballots (surrendered vote-by-mail ballot will not be counted), where to store them, and how they should be handled after the polls close. (§§ 3015, 3017)

- In the event a vote-by-mail voter does not sign their vote-by-mail envelope, the voter may fill out and timely return an “Unsigned Ballot Envelope Statement” to the elections official, which includes a polling place and a ballot dropoff box. The elections officials should provide “Unsigned Identification Envelope Statement” forms at all polling places for use by voters. (§ 3019)
- When processing voted vote-by-mail ballots, elections officials are required to compare the signature on the return envelope against the signature(s) of the voter in the voter’s record. If the signatures do not compare, the elections officials must notify the voter, who may submit a “Signature Verification Statement” to verify (cure) their signature before certification of the election. The “Signature Verification Statement” must be timely returned to the elections official, which includes a polling place and a ballot dropoff box. The elections official should provide “Signature Verification Statement” forms at all polling places for use by voters. (§ 3019)

Provisional Voting

- Poll workers should be familiar with how to provide a provisional ballot to a voter who wants to vote but did not bring their vote-by-mail ballot to the polling place and can’t be verified not to have already returned their vote-by-mail ballot. (§ 3016)

Conditional Voter Registration (also known as same day registration)

- Conditional voter registration (CVR) allows voters who did not register before the voter registration deadline to register to vote and vote a provisional ballot. County elections officials must offer CVR and CVR provisional voting at all permanent and satellite county elections offices and at all polling places in the county and to all military and overseas voters. (§ 2170, 2171, 14310)
- Poll workers must be fully instructed of the process for conditional registration and the use of provisional balloting for conditional registrants. (§§ 2170, 2171, 14310)
 - If the poll worker can determine a CVR voter’s precinct, and the ballot for that precinct is available, the poll worker shall provide the voter with a ballot for the voter’s precinct. (§ 2170(e)(1))
 - If the ballot for the voter’s precinct is not available, the poll worker may inform the voter of the location of their polling place. (§ 2170(e)(3))
 - If the poll worker cannot determine the CVR voter’s precinct, or, if the ballot for the voter’s precinct is unavailable, the poll worker shall provide the CVR voter with the ballot that is available at the precinct, and inform the voter that only the votes for the candidates and measures on which the voter would be entitled to vote in the voter’s assigned precinct may be counted. (§ 2170(e)(2))

- A voter may be offered a nonprovisional CVR ballot (known as “instant CVR”) only if the poll worker can use the statewide voter registration system, to:
 1. Verify that the CVR voter is eligible to register, has not voted in that election, and has not been included on a roster for that election in a non-Voter’s Choice Act county,
 2. Update the voter’s record to indicate that the voter has voted in that election, and
 3. Update the roster to indicate that the voter has voted and shall not be issued another nonprovisional ballot for that election, if the CVR voter appears on the county’s roster for that election. (§ 2170(f))
- Conditional voter registration ballot envelopes shall look visibly different from all other ballot envelopes and poll workers should be instructed on the processes and procedures for handling these envelopes. (§§ 2170, 2171, 14310, Cal. Code of Regs., tit. 2 § 20024)

Change of Residence Address Within the County

- Poll workers must be instructed that a voter wishing to update their registration by changing their residence address within the county can submit a written request at a county elections office or polling location. (§ 2119.5)
- Upon submitting this written request, the elections official shall issue the voter either:
 - A nonprovisional ballot if either of the following applies (§ 2119.5(b)(1)):
 1. The voter is at their assigned precinct, the voter’s name is found on the roster, and the voter either has not been issued a vote-by-mail ballot or the conditions relating to surrendering their vote-by-mail ballot provided by Section 3015(a) have been met.

- OR -

 - 2. The voter appears at a location that is equipped with an electronic poll book or other means to determine the voter’s precinct, the location can provide the voter with a ballot for the voter’s precinct, the entire county has established connectivity between locations, and the location at which the voter appears verifies that the voter has not cast a ballot at another location for the election and notes in the voter’s record that the voter cast a ballot.

- OR -

- A provisional ballot if either of the following applies (§ 2119.5(b)(2)):

1. The voter is at their assigned precinct, the voter's name is found on the roster, the voter has been issued a vote-by-mail ballot, but the conditions relating to surrendering their vote-by-mail ballot provided by Section 3015(a) have not been met.

- OR -

2. The voter appears at a location, other than their assigned precinct, that is equipped with an electronic poll book or other means to determine the voter's precinct, but the entire county has not established connectivity between locations such that the location is unable to verify that the voter has not cast a ballot at another location for the election.

- Upon receipt of a properly executed written request to change the voter's residence address within the county, the registration of the voter shall be immediately updated, and the written request shall be maintained with the voter's record. (§ 2119.5(c).)

Provisional Voting

- Poll workers should be trained on how a voter can request and cast a provisional ballot if the voter's registration or voting status cannot be confirmed at the polling place. (§ 14310)
- A voter needs to vote a provisional ballot if:
 1. The voter is not voting in their assigned precinct. (§ 14310)
 2. A voter's name is not listed on the roster or any supplemental list of voters. (§ 14217)
 3. The voter did not bring the vote-by-mail ballot to surrender at the polling place or the poll worker cannot verify if the voter has returned their vote-by-mail ballot and mark their voter record. (§ 3016)
 4. In a primary election, the voter list shows the voter is registered to vote in a political party different than the party for which the voter claims to be registered. (§ 14310)
 5. The voter is voting for the first time after mailing in a voter registration form and did not provide a driver license or the last four digits of the social security number on the voter registration form, but did not bring or does not want to show the required identification. (Cal. Code of Regs., tit. 2 § 20107(c))
 6. The voter arrives after 8:00 p.m. and the polling place is still open because of a court order. (§ 14402.5)
 7. The voter moved within the county but did not re-register to vote. (§ 14311)

8. The voter's eligibility to vote cannot otherwise be determined by the poll worker. (§ 14310(a))

9. Any other reason why the voter's eligibility to vote cannot be determined.

- If voters are in the wrong polling place, poll workers should tell them they can either go to their assigned polling place to vote a polling place ballot or they can stay and cast a provisional ballot. The poll workers should also explain the advantages and disadvantages of each option. For example, the polling place ballot may not contain all of the same candidates and measures as the ballot in a voter's home precinct. If this type of situation occurs late in the day, the poll worker should let the voter know that if the voter arrives at their assigned polling place after 8:00 p.m., the voter will not be allowed to cast a ballot.
- Poll workers should be informed how to handle provisional ballots and ensure voters fill out and sign the provisional envelopes. Poll workers should segregate provisional ballots so they can be processed separately. (§ 14310)
- Poll workers should be trained to allow a voter who has moved to a new address within the same county but has not re-registered to vote at the new address to vote a provisional ballot at the new polling place. Poll workers should be instructed to provide these voters with a Voter Registration Card. (§ 14311)
- To ensure voters are not being required to vote provisionally unnecessarily, poll workers should be reminded to check supplemental voter lists before issuing a provisional ballot.
- Poll workers should know how a provisional voter can contact the county's free-access system to determine if their provisional ballot was counted or, if not, why not. (§ 14310(d))

Multiple-Precinct Polling Places

- Sometimes multiple precincts share one polling place, which can be confusing for both poll workers and voters. For example, precincts #123 and #124 may be at a polling place located at 433 Main Street. Poll workers should understand the dynamics of a multiple-precinct polling place to minimize confusion and maximize efficiency for voters. Poll workers should pay especially close attention when issuing ballots for each precinct. Some county elections officials have found assigning one person to serve as a greeter and direct voter traffic helps eliminate much of the confusion.
- It is important for poll workers to understand that ballots may differ between precincts and that each precinct has specific language requirements. This also applies to Vote Centers. A voter from precinct 1 may arrive at a Vote Center and access a ballot or translated sample ballot in multiple languages while a voter from another precinct may arrive at that same Voter Center and only have access to an English ballot. (§§ 14201, 14202).

Ballot Shortages

- If a precinct runs out of paper ballots, state law requires the county elections official to deliver additional ballots to the precinct within two hours. It is essential for poll workers to immediately tell their elections official they need additional ballots so every eligible voter has the opportunity to vote. Voters should be given the option to either wait for the ballots to be delivered or to vote immediately using an alternative procedure approved by the Secretary of State. Approved alternatives include using:
 - Provisional ballots
 - Vote-by-mail ballots
 - Sample ballots
 - Facsimile ballots
 - Ballots from neighboring precincts
 - Ballot marking devices
 - Emergency or test ballots that many counties include in precinct supply kits (provided the ballots contain the names of all candidates and titles of all ballot measures along with corresponding areas for voters to mark their choices) (§ 14299)
- If ballots are cast using alternative procedures, poll workers should be trained on how to issue the alternative ballots, as well as how to store the ballot once cast.

Electioneering

- Poll workers should learn what constitutes electioneering. They should understand how to measure a 100-foot perimeter from a polling place (or request assistance from roving inspectors), what activities are prohibited within that perimeter, and what to do if they either see or hear about electioneering in or near their polling place. Poll workers also need to be aware what types of materials are not allowed in the polling place and what to do, if, for example, a voter enters a polling place wearing a t-shirt or button promoting or opposing a candidate or ballot measure.
- Electioneering is defined in Section 319.5 as the visible display or audible dissemination of information that advocates for or against any candidate or measure on the ballot within 100 feet of:
 - The entrance to a building that contains a polling place as defined by Section 338.5, and elections official's office, or a satellite location under Section 3018.
 - An outdoor site, including a curbside voting area, at which a voter may cast or drop off a ballot.
- Prohibited materials and information include, but are not limited to:

- A display of a candidate's name, likeness, or logo
 - A display of a ballot measure's number, title, subject, or logo
 - Buttons, hats, pencils, pens, shirts, signs, or stickers containing information about candidates or issues on the ballot
 - Any audible broadcasting of information about candidates or measures on the ballot
 - Obstructing access to, loitering near or disseminating visible or audible electioneering information at or near a vote-by-mail drop box
- Poll workers must be aware that a voter may enter the polling location with clothing or a face covering that contains the slogan of a particular candidate. This is not considered electioneering.
 - Poll workers need to understand the difference between electioneering and opinion/exit polling, which is allowed beyond 25 feet of the polls, and how to handle opinion-polling researchers or members of the news media who violate these restrictions. (§ 18370)
 - Poll workers should direct members of the media to contact the county elections official if an issue arises to prevent any problems or confusion on Election Day.

Early Ballot Retrieval

- Poll workers should be aware that the elections official may direct the precinct board to seal the ballot container prior to the closing of the polls for early ballot retrieval. (§ 14422)
- The Secretary of State has drafted regulations for early ballot retrieval procedures. The regulations may be found on the Secretary of State's website at: <http://www.sos.ca.gov/administration/regulations/current-regulations/elections/early-ballot-retrieval>

Challenging an Election

- Poll workers should be aware that voters are permitted to contest an election based on misconduct by a poll worker – a fact that reinforces the importance of properly performing their duties on Election Day. An elections contest is handled outside of the polling place via legal channels. Such misconduct includes:
 - Discriminating against voters based on race, ethnicity, party preference, literacy, or disability
 - Denying an eligible voter the right to cast a ballot
 - Intentionally misinforming voters of their registration status
 - Coercing or intimidating voters (§ 16100(a))
- Poll workers should immediately report all disruptive behavior to their county

elections office and try to move any such behavior outside of the polling place. Poll workers should never put themselves in physical jeopardy. Poll workers should be taught to call local law enforcement first if they believe anyone's safety is in jeopardy.

- Poll workers should also be aware that only a member of the precinct board is permitted to challenge a voter. The public does not have the right to make a challenge of any voter. A challenge may be made by a member of the precinct board at the polling place if the member believes the voter:
 - Is not the person whose name appears on the voter list
 - Is not a resident of the precinct
 - Is not a citizen of the United States
 - Has already voted in that election
- If a challenge occurs, the poll worker must contact the county elections official immediately for assistance. (§ 14240)
- While challenge procedures are law, poll workers should be reminded that the right of any voter to cast a provisional ballot cannot be challenged or denied. (§ 14310; HAVA § 302(a))