



August 12, 2021

County Clerk/Registrar of Voters (CC/ROV) Memorandum #21131

TO: All County Clerks/Registrars of Voters

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

RE: California Governorial Recall Election: HAVA: First-Time Voter ID Requirements

This memorandum is intended as a reminder regarding a first-time registrant, who is also a first-time voter (hereinafter “first-time” voter).

If a first-time voter does not provide a California driver license or state identification number or the last four (4) digits of their social security number when they register to vote, they must provide identification prior to being eligible to vote in a federal election. ([Cal. Code Regs. tit. 2, § 19075](#); Help America Vote Act of 2002 (HAVA) ([52 U.S.C. 21083\(b\)](#).)

Each county’s Election Management System (EMS) identifies these first-time voters who have not provided proof of residency or established their identity (hereinafter “the required information”) in order to comply with [Section 20107 of Title 2 of the California Code of Regulations](#). Once the first-time voter provides the required information, the county elections official shall update the county’s EMS to reflect the voter is no longer required to provide proof of identity. (Cal. Code Regs. tit. 2, § 19075.)

Voting a Vote-by-Mail Ballot

If a first-time voter does not provide the required information with their voted vote-by-mail (VBM) ballot, the county elections official should reach out to the voter to request and receive the required proof prior to counting the ballot. Pursuant to HAVA, this VBM ballot shall be counted in the same manner as a provisional ballot. (52 U.S.C. 21083(b)(2)(B)(ii).)

Upon receipt of this returned VBM ballot, the county elections official should, in their EMS, use the VBM ballot return status of “Not Accepted” and assign the rejection reason code of “In Review” or the rejection reason code of “No ID provided.” If, during the canvass period, the required information is provided by the first-time voter, and all requirements are met, the VBM ballot return status should be changed to “Accepted.” If the first-time voter does not timely provide the required information, the ballot return status should remain as “Not Accepted” with the rejection reason code of “No ID provided.”

The Secretary of State recommends that county prior elections officials reach out to their first-time voters to request and obtain the required information that complies with Section 20107 of Title 2 of the California Code of Regulations. If it is not feasible to reach out to first-time voters to vote-by-mail ballots being mailed, the Secretary of State recommends that county elections officials reach out to these first-time voters prior to the time the voters' ballots are adjudicated and the canvass is completed.

The Secretary of State further recommends that county elections officials, if they have not already, put into place a system whereby the county elections officials will manually review the vote-by-mail ballot identification envelopes from these first-time voters to determine if the voters included the required information in their vote-by-mail ballot identification envelopes along with their voted ballot.

Voting In Person

If a first-time voter appears at a polling location and does not present the required information that complies with Section 20107 of Title 2 of the California Code of Regulations, that voter shall be provided a provisional ballot. (52 U.S.C. 21083(b)(2)(B)(i).)

Upon receipt of this returned provisional ballot from the first-time voter, the procedure set forth above for a returned VBM ballot from a first-time voter applies, except that the ballot return statuses for provisional ballots are: "Counted" and "Not Counted," instead of "Accepted" and "Not Accepted."

Re-Adopted Regulations

On August 5, 2021, our office re-adopted the emergency regulations that, among other things, contain the "No ID provided" reason code, ballot return statuses, and the above-presented procedures. These emergency regulations will be in effect until November 4, 2021, and may be found on the Secretary of State's website at: <https://www.sos.ca.gov/administration/regulations/current-regulations>.

If you have any questions about this memorandum, please contact Rachelle Delucchi at rdelucch@sos.ca.gov.

For VoteCal process related questions, please contact Catherine Ingram-Kelly at ckelly@sos.ca.gov.

Thank you.