



SECRETARY OF STATE | STATE OF CALIFORNIA  
ELECTIONS DIVISION

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January 27, 2021

County Clerk/Registrar of Voters (CC/ROV) Memorandum #21013

TO: All County Clerks/Registrars of Voters

FROM: /s/ Rachelle C. Delucchi  
Elections Counsel

RE: NVRA: List Maintenance

This memorandum will serve as a reminder of the law as it pertains to list maintenance, and specifically to those voters with an inactive status as a result of the prior mailing of alternative residency confirmation postcards (ARCs).

As of January 1, 2020, Elections Code section 2224, which allowed for the mailing of ARCs, became inoperative. As such, although no more ARC mailings could occur, counties had many voters on their voter rolls with an inactive status due to having been mailed an ARC.

Elections Code section 2226(a)(3) sets forth a process to address those "ARC voters" (voters with an inactive status as a result of an ARC mailing) for purposes of list maintenance:

If a voter's registration status is inactive based on the voter's failure to confirm the voter's address pursuant to Section 2224, the county elections official shall send a forwardable address verification mailing, as set forth in subdivision (c) of Section 2225. The voter registration record of a voter who fails to respond to the address verification mailing, and who does not offer to vote or vote at any election between the date of the mailing described in Section 2225 and two federal general elections after the date of that mailing, shall be canceled.

Elections Code section 2225(c) provides for the required mailing (the equivalent of an NVRA Section 8(d)(2) notice) as follows:

If postal service change-of-address data received from a nonforwardable mailing indicates that a voter has moved and left no forwarding address or indicates that a voter has moved out of the state, a forwardable notice shall be sent in substantially the same

format as the notice set forth in paragraph (2) of subsection (d) of Section 20507 of Title 52 of the United States Code.

In line with the Elections Code sections referenced above, Chapter 4 of the California NVRA Manual, found at <https://www.sos.ca.gov/elections/voter-registration/nvra/laws-standards/nvra-manual/chap-4>, provides the following:

### C. ALTERNATIVE RESIDENCY CONFIRMATION (ARC) POSTCARD

The procedure for sending alternative residency confirmation (ARC) postcards was found in Elections Code section 2224. Assembly Bill (AB) 504 (“AB 504”) (Berman) Chapter 262, Statutes of 2019, provides that Section 2224 became inoperative on January 1, 2020.

If elections officials had used the ARC postcard process, it could only lead to cancellation **if** the county elections official received as a result of the ARC postcard information or a notification that the voter no longer resides in California, and **then** sent the voter a forwardable address confirmation notice that complies with Section 8(d)(2) of the NVRA. (See Section V, “Address Confirmation Notices; Updating, Inactivating, and Cancelling Voter Registration Records.”)

For voters who have an “inactive” voter registration status as the result of having been mailed an ARC postcard, the county elections official **“shall”** send a forwardable address verification mailing, as set forth in subdivision (c) of Section 2225. The voter registration record of a voter who fails to respond to the address verification mailing, and who does not offer to vote or vote at any election between the date of the mailing described in Section 2225 and two federal general elections **after** the date of that mailing, shall be canceled. (Elec. Code, § 2226(a)(3); see Section V, “Address Confirmation Notices; Updating, Inactivating, and Cancelling Voter Registration Records.”)

(Bolded emphasis added.)

As a further reminder, the information relating to the sending of Elections Code section 2225(c)/Section 8(d)(2) notices, as well as any responses from the recipients of these notices, must be tracked in your county’s elections management system (EMS) and made available for inspection. (See, 52 U.S.C. § 20507(d)(2), (i).) If there are questions with respect to how this tracking is accomplished and/or how to accomplish your list maintenance mailings, please contact your county’s EMS vendor.

Feel free to contact me at [rdelucch@sos.ca.gov](mailto:rdelucch@sos.ca.gov) should you have any questions.

Thank you.