



# SHIRLEY N. WEBER, Ph.D.

## CALIFORNIA SECRETARY OF STATE

California Elections Division | 1500 11<sup>th</sup> Street, 5<sup>th</sup> Floor | Sacramento, CA 95814  
Tel 916.657.2166 | Fax 916.653.3214 | [www.sos.ca.gov](http://www.sos.ca.gov)

January 14, 2022

County Clerk/Registrar of Voter (CC/ROV) Memorandum # 22011

TO: All County Clerks/Registrar of Voters

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

RE: Primary Election: Assembly Bill 37 Changes and Reminders

This memorandum provides reminders regarding changes made by Assembly Bill (AB) 37 (Chapter 312 of the Statutes of 2021) and highlights the requirement that for all elections going forward, all active registered voters must receive a vote-by-mail (VBM) ballot.

### **Vote-by-Mail Ballots to All Active Registered Voters**

For all elections conducted in the State of California, every active registered voter must be issued a VBM ballot. (Elec. Code, § 3000.5)

### **Statewide Remote Accessible Vote by Mail (RAVBM) Requirement**

County elections officials shall permit any voter to cast a ballot using a certified RAVBM system for any election, regardless of whether the voter is a voter with disabilities or a military or overseas voter. (Elec. Code, § 3016.7)

### **Accessible Vote-by-Mail Ballot Tracking System**

For all elections, the VBM ballot tracking system used by county elections officials shall be accessible to voters with disabilities. ((Elec. Code, § 3019.7)

### **Vote-by-Mail Postmark Deadline (+7)**

For all elections, a VBM ballot is considered timely cast if it is voted on or before Election Day and, if returned by mail, is received no later than 7 days after Election Day.

Elections officials may consider any information from the United States Postal Service or a bona fide private mail delivery company that indicates the date on which the ballot was mailed, in order to determine whether a VBM ballot was timely cast. (Elec. Code, § 3020)

### **Vote-by-Mail Processing Period**

A jurisdiction that has the necessary computer capability may start processing VBM ballots the 29th day before any election. (Elec. Code, § 15101)

### **Traditional Polling Place (non-VCA) Counties - Vote-by-Mail Drop-off Locations**

All traditional polling place counties (non-VCA counties) shall provide at least two VBM ballot drop-off locations within the jurisdiction where the election is held, or at least one for every 30,000 registered voters within the jurisdiction where the election is held, whichever results in more VBM ballot drop-off locations.

In a jurisdiction with fewer than 30,000 registered voters, at least one VBM ballot drop-off location is required, and the elections official shall make a reasonable effort to provide that location in the jurisdiction where the election is held.

The operation of VBM ballot drop-off locations must meet certain specified criteria:

- A VBM ballot drop-off consists of a secure, accessible, and locked ballot box located as near as possible to established public transportation routes and that is able to receive voted ballots.
- All VBM ballot drop-off locations shall be open at least during regular business hours beginning not less than 28 days before the day of the election, and on the day of the election.
- At least one VBM ballot drop-off location shall be an exterior drop box that is available for a minimum of 12 hours per day.

(Elec. Code, § 3025.5, Cal. Code Regs. tit. 2, §§ 20130-20138)

### **“VCA-like” No Longer Authorized**

For the November 3, 2020, Presidential General Election and all 2021 elections, the legislature provided non-Voter’s Choice Act (non-VCA) counties with the option to utilize a “VCA-like” model. **Those provisions provided by the legislature were not extended to elections conducted in 2022 or after.**

Accordingly, all traditional polling place counties (non-VCA counties) must use the existing traditional polling place model to conduct their elections.

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### **County's Election Websites and Materials**

Please review your county's public facing website and election materials to make conforming changes regarding all of these important election administration changes.

The text of AB 37 can be found at:

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB37](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB37)

If you have any questions, please contact me at [jlean@sos.ca.gov](mailto:jlean@sos.ca.gov), or by phone at (916) 653-5144. Thank you