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September 29, 2022

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 22245

TO: All County Clerks/Registrars of Voters

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

RE: Vote by Mail: Replacement Ballots and AB 2608

This memorandum further addresses the Elections Code changes made by Assembly Bill (AB) 2608 and the procedures for requesting a replacement ballot, both of which were discussed in [CCROV #22197](#), issued on August 24, 2022. A number of counties requested clarification with respect to telephonic requests for vote-by-mail ballots.

Replacement Vote-by-Mail Ballot Requests

Ballot Provided to Voter

Under amended Elections Code section 3014, a second vote-by-mail ballot shall be provided to a “voter upon receipt of a statement under penalty of perjury that the voter has failed to receive, lost, or destroyed their original ballot.” (Elec. Code, § 3014(a).)

Although Section 3014 has been amended, the language is identical (aside from a change in pronouns) to the previous version of Section 3014. As such, the form and the process for requesting a replacement has not changed. The California Replacement Vote-by-Mail Ballot Application is attached to this memorandum and can also be found on our website at <https://www.sos.ca.gov/elections/voter-registration/vote-mail#replacement>.

Pursuant to the language of Section 3014(a), the above-referenced form indicates that the statement be made “under penalty of perjury” (and it should be noted that this requirement was also in the prior version of Section 3014). As such, our office is of the opinion that this request for a replacement ballot cannot be made telephonically. (See, Code of Civil Procedure, § 2015.5.)

Ballot Provided to Voter's Representative

Election Code section 3014 was also amended to provide that in the event a voter is unable to obtain a second vote-by-mail ballot on their own, they may appoint a representative to obtain that ballot. (Elec. Code, § 3014(b).) A version of this type of request was found in former Section 3021 and was previously referred to as a "late" request; it is important to note that former 3021 required a "written statement, signed under penalty of perjury".

Pursuant to subdivision (b) of Section 3014, the voter is to complete a written request on a form prescribed by the Secretary of State, signed under penalty of perjury, requesting that a ballot be provided to their representative. The ballot shall not be provided until the elections official compares the signature on the written request with the signature(s) in the voter's registration record and the authorized representative signs an acknowledgement of receipt of the ballot.

The California Application to Provide Vote-By-Mail Ballot to Representative is attached to this memorandum and can also be found on our website at <https://www.sos.ca.gov/elections/voter-registration/vote-mail#replacement>.

Pursuant to the language of Section 3014(b), the above-referenced form indicates that the statement be made "under penalty of perjury". (See, Code of Civil Procedure, § 2015.5.) Additionally, the statute itself indicates that this must be a written request. As such, our office is of the opinion that this request cannot be made telephonically.

AB 2608 Repealed Section 3007.8

AB 2608 made conforming changes to the Elections Code now that each active registered voter receives a vote-by-mail ballot for each election.

Specifically, AB 2608 repealed sections that set forth processes for voters to apply for vote-by-mail ballots. One of those repealed sections (former Section 3007.8) allowed a voter to apply for a vote-by-mail ballot telephonically. That section was not the mechanism for a voter to request a replacement ballot; it set forth the process for a voter to apply for an initial vote-by-mail ballot.

If you would like a Word version and/or translations of the attached forms, please contact Ruben Vasquez at rvasquez2@sos.ca.gov or at (916) 539-5264.

If you have any questions, please feel free to contact either Rachelle Delucchi at rdelucch@sos.ca.gov, or Robbie Anderson at aanderso@sos.ca.gov. Thank you.

Attachments

- California Replacement Vote-by-Mail Ballot Application
- California Application to Provide Vote-By-Mail Ballot to Representative

California Replacement Vote-By-Mail Ballot Application

By requesting a replacement vote-by-mail ballot, I hereby certify that I did not receive a vote-by-mail ballot for this election, or if I did receive a ballot, that ballot has been lost or destroyed.

- 1. THIS IS AN APPLICATION FOR A REPLACEMENT VOTE-BY-MAIL BALLOT FOR THE** _____ **ELECTION.**
Month/Day/Year Type of Election (Primary, General, or Special)
- 2. PRINT NAME:** _____ **3. DATE OF BIRTH:** _____
First Middle or Initial Last Month/Day/Year
- 4. RESIDENCE ADDRESS:** _____
Number and Street (P.O. Box, Rural Route, etc. will not be accepted) (Designate N, S, E, W if used)
- _____
City Zip Code California County
- 5. MAILING ADDRESS FOR BALLOT (IF DIFFERENT FROM ABOVE):**
 If your mailing address is outside of the U.S., and you are a military or overseas voter, register at RegisterToVote.ca.gov or use the Federal Post Card Application at www.fvap.gov
- _____
Number and Street/P.O. Box (Designate N, S, E, W if used)
- _____
City State or Foreign Country Zip Code or Postal Code
- 6. TELEPHONE NUMBER (OPTIONAL):** _____
Day Evening
- 7. THIS APPLICATION MUST BE SIGNED.**
 I certify under penalty of perjury under the laws of the State of California that the information I have provided on this application is true and correct.

SIGNATURE _____ **DATE** _____

Warning: Perjury is a felony, punishable by imprisonment in state prison for up to four years. (Penal Code § 126)

WHO CAN USE THIS APPLICATION

If you did not receive a vote-by-mail ballot for the identified election, or if you did receive a ballot, that ballot has been lost or destroyed, you may use this application to request a vote-by-mail ballot.

How to Fill Out this Application

ITEM 1. Enter the date of the election in which you are requesting a replacement vote-by-mail ballot (month, day, year), and the type of election (Primary, General, or Special).

ITEM 2. Print your first, middle, and last names as they appear on your Voter Registration Card.

ITEM 3. Print your date of birth in this order – month, day, year.

ITEM 4. Print the complete street address of your voting residence. A post office box or rural route cannot be accepted.

ITEM 5. Mailing address information must be completed by the voter. Print the complete address where you want your ballot sent if it is different than the residence address provided in Item 4.

ITEM 6. Print your telephone number (optional, not required) to allow the elections office to contact you if more information is needed.

ITEM 7. Sign and date in this order – month, day, year. No witness or notary required.

HOW TO SUBMIT THE APPLICATION

Your Replacement Vote-By-Mail Ballot Application must be returned to your county elections official.

If this application is returned by mail, it must be returned directly to your county elections official.

Please do not send applications to the SOS's office. Doing so will delay the application process.

You can find the address and telephone number of your county elections official on the SOS website at www.sos.ca.gov/elections/voting-resources/county-elections-offices/

COUNTY ELECTIONS OFFICES

ALAMEDA

1225 Fallon Street
Room G-1
Oakland, CA 94612
(510) 272-6973

ALPINE

99 Water Street
Markleeville, CA 96120
(530) 694-2281

P.O. Box 158
Markleeville, CA 96120

AMADOR

810 Court Street
Jackson, CA 95642
(209) 223-6465

BUTTE

155 Nelson Ave
Oroville, CA 95965
(800) 894-7761

CALAVERAS

891 Mountain Ranch Road
San Andreas, CA 95249
(209) 754-6376

COLUSA

546 Jay Street, Suite 200
Colusa, CA 95932
(530) 458-0500

CONTRA COSTA

555 Escobar Street
Martinez, CA 94553
(925) 335-7800

P.O. Box 271
Martinez, CA 94553

DEL NORTE

981 H Street, Room 160
Crescent City, CA 95531
(707) 464-7216

EL DORADO

2850 Fairlane Court
Placerville, CA 95667
(530) 621-7480

P.O. Box 678001
Placerville, CA 95667

FRESNO

2221 Kern Street
Fresno, CA 93721
(559) 600-8683

GLENN

516 W. Sycamore Street
2nd Floor
Willows, CA 95988
(530) 934-6414

HUMBOLDT

2426 6th Street
Eureka, CA 95501
(707) 445-7481

IMPERIAL

940 W. Main Street
Suite 206
El Centro, CA 92243
(442) 265-1060

INYO

168 N. Edwards Street
Independence, CA 935265
(760) 878-0224

P.O. Drawer F
Independence, CA 93526

KERN

1115 Truxtun Avenue
First Floor
Bakersfield, CA 93301
(661) 868-3590
(800) 452-8683

KINGS

1400 W. Lacey Blvd.
Building #7
Hanford, CA 93230
(559) 852-4401

LAKE

325 N. Forbes Street
Lakeport, CA 95453
(707) 263-2372

LASSEN

220 S. Lassen Street, Suite 5
Susanville, CA 96130
(530) 251-8217

LOS ANGELES

12400 Imperial Hwy.
Norwalk, CA 90650
(800) 815-2666

P.O. Box 1024
Norwalk, CA 90651

MADERA

200 W. 4th Street
Madera, CA 93637
(559) 675-7720

MARIN

3501 Civic Center Drive
Room 121
San Rafael, CA 94903
(415) 473-6456

P.O. Box E
San Rafael, CA 94913

MARIPOSA

4982 10th Street
Mariposa, CA 95338
(209) 966-2007

P.O. Box 247
Mariposa, CA 95338

MENDOCINO

501 Low Gap Road
Room 1020
Ukiah, CA 95482
(707) 234-6819

MERCED

2222 M Street, Room 14
Merced, CA 95340
(209) 385-7541

MODOC

108 E. Modoc Street
Alturas, CA 96101
(530) 233-6205

MONO

74 N. School Street, Annex 1
Bridgeport, CA 93517
(760) 932-5537

P.O. Box 237
Bridgeport, CA 93517

MONTEREY

1441 Schilling Place
North Building
Salinas, CA 93901
(831) 796-1499

P.O. Box 4400
Salinas, CA 93912

NAPA

1127 1st Street
Suite E
Napa, CA 94559
(707) 253-4321

NEVADA

950 Maidu Avenue
Suite 250
Nevada City, CA 95959
(530) 265-1298

ORANGE

1300 South Grand Ave.
Building C
Santa Ana, CA 92705
(714) 567-7600

P.O. Box 11298
Santa Ana, CA 92711

PLACER

2956 Richardson Drive
Auburn, CA 95603
(530) 886-5650
(800) 824-8683

P.O. Box 5278
Auburn, CA 95604

PLUMAS

520 Main Street, Room 102
Quincy, CA 95971
(530) 283-6256

RIVERSIDE

2724 Gateway Drive
Riverside, CA 92507
(951) 486-7200

SACRAMENTO

7000 65th Street, Suite A
Sacramento, CA 95823
(916) 875-6451

SAN BENITO

440 Fifth Street, Room 205
Hollister, CA 95023
(831) 636-4016

SAN BERNARDINO

777 E. Rialto Avenue
San Bernardino, CA 92415
(909) 387-8300

SAN DIEGO

5600 Overland Ave.
San Diego, CA 92123
(858) 565-5800
(800) 696-0136

P.O. Box 85656
San Diego, CA 92186

SAN FRANCISCO

1 Dr. Carlton B. Goodlett
Place, Room 48
San Francisco, CA 94102
(415) 554-4375

SAN JOAQUIN

44 N. San Joaquin Street
Third Floor, Suite 350
Stockton, CA 95202
(209) 468-8683

P.O. Box 810
Stockton, CA 95201

SAN LUIS OBISPO

1055 Monterey Street
Suite D-120
San Luis Obispo, CA 93408
(805) 781-5228

SAN MATEO

40 Tower Road
San Mateo, CA 94402
(650) 312-5222

SANTA BARBARA

4440-A Calle Real
Santa Barbara, CA 93160
(805) 568-2200
(800) 722-8683

P.O. Box 61510
Santa Barbara, CA

SANTA CLARA

1555 Berger Drive
Building 2
San Jose, CA 95112
(408) 299-8683
(866) 430-8683

P.O. Box 611360
San Jose, CA 95161-1360

SANTA CRUZ

701 Ocean Street, Room 310
Santa Cruz, CA 95060
(831) 454-2060

SHASTA

1643 Market Street
Redding, CA 96001
(530) 225-5730

P.O. Box 990880
Redding, CA 96099

SIERRA

100 Courthouse Square
Room 11, P.O. Drawer D
Downieville, CA 95936
(530) 289-3295

SISKIYOU

311 Fourth Street, Room 201
Yreka, CA 96097
(530) 842-8084

SOLANO

675 Texas Street
Suite 2600
Fairfield, CA 94533
(707) 784-6675

SONOMA

435 Fiscal Drive
Santa Rosa, CA 95403
(707) 565-6800
(800) 750-8683

P.O. Box 11485
Santa Rosa, CA 95406

STANISLAUS

1021 I Street, Suite 101
Modesto, CA 95354
(209) 525-5200

SUTTER

1435 Veterans Memorial Circle
Yuba City, CA 95993
(530) 822-7122

TEHAMA

633 Washington Street
Room 17
Red Bluff, CA 96080
(530) 527-8190

P.O. Box 250
Red Bluff, CA 96080

TRINITY

11 Court Street
Weaverville, CA 96093
(530) 623-1220

P.O. Box 1215
Weaverville, CA 96093

TULARE

5951 S. Mooney Blvd.
Visalia, CA 93277
(559) 624-7300

TUOLUMNE

2 S. Green Street
Sonora, CA 95370
(209) 533-5570

VENTURA

800 S. Victoria Avenue
Hall of Administration
Ventura, CA 93009
(805) 654-2664

YOLO

625 Court Street
Room B-05
Woodland, CA 95695
(530) 666-8133
(916) 375-6490

P.O. Box 1820
Woodland, CA 95776

YUBA

915 8th Street, Suite 107
Marysville, CA 95901
(530) 749-7855

Application to Provide Vote-By-Mail Ballot to Representative

FOR OFFICIAL USE ONLY

If a voter needs a second vote-by-mail ballot, the voter may apply in writing for a vote-by-mail ballot to be provided to the voter's representative. This application must be provided in person to the county elections office by the voter's representative.

1. PRINT NAME:

First

Middle or Initial

Last

2. DATE OF BIRTH:

Month/Day/Year

3. RESIDENCE ADDRESS:

Number and Street (P.O. Box will not be accepted)

City

Zip Code

California County

4. TELEPHONE NUMBER (OPTIONAL): _____

5. VOTER'S STATEMENT AND AUTHORIZATION:

I authorize _____ to obtain my ballot and deliver it to me.
Authorized Representative

6. CERTIFICATION:

I certify under penalty of perjury under the laws of the State of California that the information I have provided on this application is true and correct.

Signature of Voter (Do Not Print): _____ **Date:** _____

Warning: Perjury is a felony, punishable by imprisonment in state prison for up to four years. (Penal Code § 126)

If a voter is unable to sign, they may make a mark which shall be witnessed.

7. WITNESS (IF APPLICABLE):

Witness Signature: _____

8. REPRESENTATIVE'S STATEMENT (to be signed in the presence of the elections official):

I, _____, acknowledge receipt of _____'s vote-by-mail ballot.
Authorized Representative Name of Voter

CALIFORNIA COUNTY ELECTIONS OFFICES

ALAMEDA

1225 Fallon Street, Room G-1
Oakland, CA 94612
(510) 272-6973

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P.O. Box 158
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MARIPOSA

P.O. Box 247
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Ukiah, CA 95482
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(209) 385-7541

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Room 205
Hollister, CA 95023-3843
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SAN DIEGO

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San Diego, CA 92186-5656
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(415) 554-4375

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San Mateo, CA 94402
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San Jose, CA 95161-1360
(408) 299-8683

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Santa Cruz, CA 95060-4076
(831) 454-2060

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P.O. Box 90880
Redding, CA 6099-0880
(530) 225-5730

SIERRA

P.O. Drawer D
Downieville, CA 95936-0398
(530) 289-3295

SISKIYOU

311 Fourth Street, Room 201
Yreka, CA 96097-9910
(530) 842-8084

SOLANO

675 Texas Street, Suite 2600
Fairfield, CA 94533
(707) 784-6675

SONOMA

P.O. Box 11485
Santa Rosa, CA 95406-1485
(707) 565-6800

STANISLAUS

1021 I Street, Suite 101
Modesto, CA 95354-2331
(209) 525-5200

SUTTER

1435 Veterans Memorial Circle
Yuba City, CA 95993
(530) 822-7122

TEHAMA

P.O. Box 250
Red Bluff, CA 96080-0250
(530) 527-8190

TRINITY

P.O. Box 1215
Weaverville, CA 96093-1215
(530) 623-1220

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5951 S. Mooney Blvd. Visalia,
CA 93277
(559) 624-7300

TUOLUMNE

2 S. Green Street
Sonora, CA 95370-4618
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VENTURA

Hall of Administration, Lower Plaza
800 S. Victoria Avenue
Ventura, CA 93009-1200
(805) 654-2664

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P.O. Box 1820
Woodland, CA 95776-1820
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Marysville, CA 95901-5273
(530) 749-7855

