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County Clerk/Registrar of Voters (CC/ROV) Memorandum #23151

TO: All County Clerks/Registrars of Voters

FROM: /s/ Kirsten Larsen
Elections Administration Manager

RE: Presidential Primary: No Party Preference Voters

The purpose of this memorandum is to detail the responsibilities of county elections officials regarding No Party Preference (NPP) voters.

County Voter Information Guide and County Elections Officials' Websites

Elections Code section 13501(c) requires county elections officials to include the following information in each nonpartisan county voter information guide and on the county elections official's website:

- A statement that a voter who has declined to disclose a political party preference may vote in a political party's partisan primary election if the political party, by party rule duly noticed to the Secretary of State, authorizes a voter who has declined to disclose a political party preference to vote in the next ensuing partisan primary election.
- The name of each political party that authorizes a voter who has declined to disclose a political party preference to vote in the partisan primary election.
- A statement that a voter who has declined to disclose a political party preference may request the ballot of one of the political parties that authorizes a voter who has declined to disclose a political party preference to vote in the partisan primary election.

Information on these statements and language that can be used for consistent messaging may be found on the Secretary of State's website at www.howtovoteforpresident.sos.ca.gov under the "No Party Preference/No Party" tab.

Electronic Notices to NPP Voters by Counties

Elections Code section 13501(c) requires county elections officials to

- send emails to their NPP voters notifying the voters that they may request a political party's ballot at the presidential primary election if the political party has so authorized.
- provide the notice to their NPP voters by text message if the voters have provided written consent to receive text messages from the county elections official.

Notice and Application for NPP Voters: Cross-Over Ballot Requests

Elections Code section 13502(b) requires county elections officials to send a notice and application to each NPP voter regarding voting and how to request a cross-over ballot in the presidential primary election.

For the March 5, 2024, Presidential Primary Election, the following parties have authorized NPP voters to vote in their Presidential Primary Election:

- American Independent Party,
- Democratic Party, and
- Libertarian Party

Pursuant to Elections Code section 13502(e) the Secretary of State has developed a notice and application that counties may use to contact their NPP voters; refer to [CCROV # 23104](#) for the No Party Preference Cross-Over Ballot Notice and Application.

The Secretary of State's Office recommends the notice be sent prior to Friday, January 12, 2024 (E-53). Sending notices by this date will ensure that NPP voters have sufficient time before the election to choose if they would like to vote a party's ballot and will give county elections officials sufficient time to process the requests before vote-by-mail ballots are to be transmitted to voters.

Section 13102(d) requires the county elections official to maintain, for each NPP voter a record of:

- which political party's ballot was requested, or
- whether a nonpartisan ballot was requested.

Notices Sent with NPP Vote-by-Mail Ballots: Cross-Over Ballot Requests

When the county elections official sends an NPP voter their vote-by-mail ballot, Section 13502 requires that each ballot be accompanied by a notice informing the voter they may request a political party's ballot at the presidential primary election if the political party has so authorized.

Section 13102(d) requires the county elections official to maintain, for each NPP voter a record of:

- which political party's ballot was requested, or
- whether a nonpartisan ballot was requested.

Additional Methods: Cross-Over Ballot Requests

Section 13502(c) provides that in addition to any other method permitted by law, an NPP voter may request a cross over ballot using one of the following methods:

- By telephone pursuant to all of the following procedures:
 - To request a party's ballot by telephone, the voter shall provide to the elections official personal identifying information that matches the information contained on the voter's affidavit of registration, including first and last name, home address, and date of birth. The voter's signature shall not be required.
 - A person shall not request a party's ballot pursuant to this section using the name of, or on behalf of, another person.
 - Prior to being asked for personal identifying information, a voter requesting a party's ballot pursuant to this section shall be advised as follows: "Only the registered voter themselves may request a ballot from a political party. A request for a party's ballot that is made by any person other than the voter is a criminal offense."
- On an application over the internet if available.
- By a written statement application submitted in person, or by mail, email, or facsimile transmission.

Section 13102(d) requires the county elections official to maintain, for each NPP voter a record of:

- which political party's ballot was requested, or
- whether a nonpartisan ballot was requested.

Polling Place Notices and Activities

Pursuant to Section 14105(n), the Secretary of State is required to supply posters and/or other materials required by Section 14105.2 to each county elections official, who shall furnish those materials to precinct officers. These posters and/or other materials shall be conspicuously posted both inside and outside every polling place. The Secretary of State's office developed a "How to Vote for President" poster that can be used at polling places; refer to [CCROV # 23135](#) for more information.

Prior to issuing an NPP voter a nonpartisan ballot or before the NPP voter enters the voting booth, Section 14227.5(a) requires a poll worker to provide a uniform notification to the voter informing the voter that they may request a political party's ballot and the name of each political party that has authorized an NPP voter to vote its ballot. An optional "No Party Preference" flyer was provided in [CCROV # 23135](#). In addition, Section 14227.5(b) requires county elections officials to train the members of the precinct board regarding this duty.

Section 13102(d) requires the county elections official to maintain, for each NPP voter a record of:

- which political party's ballot was requested, or
- whether a nonpartisan ballot was requested.

Provisional Ballot and Conditional Voter Registration Envelopes

If the county elections official will utilize provisional ballot envelopes or conditional voter registration envelopes as affidavits of registration pursuant to [Section 2160](#), among other requirements, the envelopes must contain a listing of all qualified political parties.

Additionally, Section 2151(b)(2) requires the listing of the qualified political parties, as well as an option for the affiant to decline to disclose a party preference; this option shall be placed at the end of the list of the qualified political parties. Lastly, as required by Section 2151(b)(1), the envelopes must include an explanation regarding NPP voters and how to choose a particular party's ballot.

If you have questions, please feel free to contact me at klarsen@sos.ca.gov or (916) 653-9154. Thank you.