January 11, 2024

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 24026

TO: All County Clerks/Registrars of Voters

FROM: /s/ Rachelle Delucchi
             Elections Counsel

RE: Presidential Primary: Conditional Voter Registration Implementation

This memorandum serves as a reminder that:

- all county elections officials must offer CVR and CVR provisional voting at all permanent and satellite county elections offices and all polling locations in the county (Elec. Code, § 2170(d); Cal. Code Regs., tit. 2, § 20023),

- an elector who is otherwise qualified to register to vote, including military and overseas voters and voters with disabilities, may use the CVR process (Elec. Code, § 2170(b); Cal. Code Regs., tit. 2, § 20021), and

- county elections officials must take specific actions prior to the issuance of a ballot to be cast using a certified RAVBM system (Cal. Code Regs., tit. 2, § 20024.5).

Additionally, this memorandum provides a summary of Conditional Voter Registration (CVR) and CVR provisional voting implementation methods.

"INSTANT"/NONPROVISIONAL CVR

To implement "Instant"/Nonprovisional CVR, the county must be able to use the statewide voter registration system (VoteCal) to do all of the following:

- Verify that the CVR voter
  - is eligible to register,
  - has not voted in that election, and
  - has not been included on a roster for that election in a non-VCA county,

- Update the voter's record to indicate that the voter has voted in that election,

  and

- If the CVR voter appears on the county's roster for that election: update the roster to indicate that the voter has voted and shall not be issued another nonprovisional ballot for that election. (Elec. Code, § 2170(f).)

"Instant" CVR Implementation

"Instant" CVR implementation should be as follows:

- Provide the individual with a voter registration application.
- Once the application is completed, the county elections official must verify that the CVR voter:
  - is eligible to register,
  - has not voted in that election, and
  - has not been included on a roster for that election in a non-VCA county.
- Determine the CVR voter's precinct.
- Provide the CVR voter a ballot for the voter's precinct, unless there is a red or yellow light for issuing and/or counting ballots as described in VoteCal Guidance: Ballot Processing.
  - If a red or yellow light is indicated, the CVR voter must vote provisionally/ place their voted ballot in a CVR provisional ballot envelope.
- Voter to place voted ballot into ballot box (CVR provisional ballot envelope is not used).
- Immediately upon ballot issuance, update the voter's record to indicate that the voter has voted in that election; ensure this information is sent to VoteCal in near real time.
- If the CVR voter appears on the county's roster for that election: update the roster to indicate that the voter has voted and shall not be issued another nonprovisional ballot for that election.

"REGULAR"/PROVISIONAL CVR

With "Regular"/Provisional CVR, the county does not have access to VoteCal at the voting location to do the verifications required for "instant" CVR, and voted CVR ballots will be placed into CVR provisional ballot envelopes. (Elec. Code, § 2170(e).)

"Regular" CVR Implementation

There are three (3) different methods counties can use to implement "regular" CVR; the method used will depend on the county's ability to precinct voters and provide the correct ballot type at their voting locations.

CVR implementation at a location where the county:

1. Can precinct voters <u>and</u> has access to all ballot types:

   - Provide the individual a voter registration application.
   - Once the application is completed, the county elections official determines the CVR voter's precinct.
     - The Secretary of State recommends having a minimum of two workers at the polling place who have credentials to access the technology that can determine a CVR voter's precinct.
   - Provide the CVR voter a ballot for the voter's precinct.
   - CVR voter places the voted ballot into a CVR provisional ballot envelope.

2. Can precinct voters, but does not have access to all ballot types:

   - Provide the individual a voter registration application.
   - Once the application is completed, the county elections official determines the CVR voter's precinct.
     - The Secretary of State recommends having a minimum of two workers at the polling place who have credentials to access the technology that can determine a CVR voter's precinct.
   - If the location does not have the voter's ballot, inform the individual of the location of their correct polling place and their option to vote at the correct polling place or at their current location.
     - If the individual does not wish to go to their polling place, proceed with providing a ballot to the CVR voter.
   - Provide the CVR voter:
     - a ballot that is available at the precinct, and
     - if the voter is not at their correct polling place, inform the voter that only the votes for the candidates and measures on which the voter would be entitled to vote in the voter's assigned precinct may be counted.
   - CVR voter places the voted ballot into a CVR provisional ballot envelope.

3. Cannot precinct voters:

   - Provide the individual a voter registration application.
   - If the individual is at the incorrect polling location and if possible, inform the individual of the location of their correct polling place where the ballot for their precinct is available, and their option to vote at the correct polling place or at their current location.
     - If the individual does not wish to go to their polling place or because the polling location does not have the technology to determine the CVR's precinct, provide the individual a voter registration application.
   - Provide the CVR voter:
     - a ballot that is available at the precinct, and

- if the voter is not at their correct polling place, inform the voter that only the votes for the candidates and measures on which the voter would be entitled to vote in the voter's assigned precinct may be counted.
- CVR voter places the voted ballot into a CVR provisional ballot envelope.

For RAVBM related questions, please contact Debra Ledsinger at dledsinger@sos.ca.gov.

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

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

Thank you.