



# Shirley N. Weber, Ph.D.

## CALIFORNIA SECRETARY OF STATE

### Elections Division

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January 17, 2024

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 24035

TO: All County Clerks/Registrars of Voters

FROM: /s/ Rachele Delucchi  
Elections Counsel

RE: Presidential Primary: Vote by Mail Replacement Ballots

This memorandum will address the procedures for requesting a replacement ballot as provided in Assembly Bill 398 (Chapter 650, Statutes of 2023).

#### **Request for Replacement Ballot**

Under amended subdivision (a) of Section 3014, a county elections official shall provide a replacement ballot to any voter upon receipt of a replacement ballot request from the voter.

Both of the following apply to such a request:

- 1) The voter making the request shall provide to the elections official personal identifying information that matches the information contained on the voter's affidavit of registration, including their first and last name, residence address, and date of birth.
- 2) Prior to issuing a replacement ballot, the elections official shall advise the requester as follows: "Only the registered voter themselves may request a replacement ballot. A request for a replacement ballot that is made by any person other than the registered voter is a criminal offense."

The Secretary of State (SOS) created the [California Replacement Ballot Application](#). Translations of this application in Spanish, Chinese, Hindi, Japanese, Khmer, Korean, Tagalog, Thai, and Vietnamese are found on the SOS website at <https://www.sos.ca.gov/elections/voter-registration/vote-mail>.

If a voter returns an application by mail, it should be returned directly to the voter's county elections official.

Voters can also request a replacement ballot from their county elections official by phone, email, fax, or other electronic means.

### **Request for Replacement Ballot Provided to Voter's Representative**

Amended subdivision (b) of Section 3014 states that a county elections official shall provide a replacement ballot to the voter's representative upon receipt of a written request, on a form prescribed by the SOS, signed by the voter under penalty of perjury, requesting that a ballot be provided to the voter's representative.

A replacement ballot shall not be provided until both of the following occur:

- 1) The elections official shall compare the signature on the written request with the signature or signatures in the voter's record.
- 2) The authorized representative shall sign an acknowledgment of receipt of the voter's ballot.

The SOS created the [Application to Provide Vote-by-Mail Ballot to Representative](#). Translations of this application in Spanish, Chinese, Hindi, Japanese, Khmer, Korean, Tagalog, Thai, and Vietnamese are found on the SOS website at <https://www.sos.ca.gov/elections/voter-registration/vote-mail>.

The voter's representative must provide this application in person to the voter's county elections official.

### **Once a Replacement Ballot Has Been Provided**

The voter shall mark the ballot, place it in the identification envelope, fill out and sign the identification envelope, and return the ballot pursuant to Section 3017. These ballots shall be processed and counted in the same manner as other vote-by-mail ballots. (Elec. Code, § 3014(c).)

The county elections official shall keep a record of each vote-by-mail voter ballot sent to and received from a voter and shall verify, prior to counting any duplicate ballot, that the voter has not attempted to vote twice. If it is determined that a voter has attempted to vote twice, both ballots shall be void. (Elec. Code, § 3014(d).)

If you have any questions, please feel free to contact Rachelle Delucchi at [rdelucch@sos.ca.gov](mailto:rdelucch@sos.ca.gov) or Robbie Anderson at [aanderso@sos.ca.gov](mailto:aanderso@sos.ca.gov). Thank you.