September 12, 2024

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 24191

TO:             All County Clerks/Registrars of Voters

FROM:        /s/ Rachelle Delucchi
                   Elections Counsel

RE:             General Election: HAVA: First-Time Voter ID Requirements

This memorandum is intended as a reminder regarding a first-time registrant, who is also a first-time federal voter (hereinafter "first-time" voter).

If a first-time voter does not provide a California driver's license or state identification number or the last four (4) digits of their social security number when they register to vote, they must provide identification prior to being eligible to vote in a federal election.  (Cal. Code Regs., tit. 2, § 19075(a); Help America Vote Act of 2002 (HAVA) 52 U.S.C. § 21083(b).)

Each county's Election Management System (EMS) identifies these first-time voters who have not provided proof of residency or established their identity (hereinafter "the required information").  (Cal. Code Regs., tit. 2, § 20107.) Once the first-time voter provides the required information, the county elections official shall update the county's EMS to reflect the voter is no longer required to provide proof of identity.  (Cal. Code Regs., tit. 2, § 19075(e).)

**Voting a Vote-by-Mail Ballot**

If a first-time voter does not provide the required information with their voted vote-by-mail (VBM) ballot, the county elections official should reach out to the voter to request and receive the required proof prior to counting the ballot.  Pursuant to HAVA, this VBM ballot shall be counted in the same manner as a provisional ballot. (52 U.S.C. § 21083(b)(2)(B)(ii).)

Upon receipt of a returned VBM ballot without the required information, the county elections official should, in their EMS, use the VBM ballot return status of "Not Accepted" and assign the rejection reason code of "In Review" or the rejection reason

code of "No ID provided." If, during the canvass period, the required information is provided by the first-time voter, and all requirements are met, the VBM ballot return status should be changed to "Accepted."  If the first-time voter does not timely provide the required information, the ballot return status should remain as "Not Accepted" with the rejection reason code of "No ID provided." (Cal. Code Regs., tit. 2, §§ 19091, 19092.)

The Secretary of State recommends that prior to mailing VBM ballots, county elections officials reach out to their first-time voters to request and obtain the required information that complies with Section 20107 of Title 2 of the California Code of Regulations.  If it is not feasible to reach out to first-time voters prior to VBM ballots being mailed, the Secretary of State recommends that county elections officials reach out to these first-time voters prior to the time the voters' ballots are adjudicated and the canvass is completed.

The Secretary of State further recommends that county elections officials, if they have not already, put into place a system whereby the county elections officials will manually review the VBM ballot identification envelopes from these first-time voters to determine if the voters included the required information in their VBM ballot identification envelopes along with their voted ballots.

**Voting In Person**

If a first-time voter appears at a voting location and does not present the required information that complies with Section 20107 of Title 2 of the California Code of Regulations, that voter shall be provided a provisional ballot.  (52 U.S.C. § 21083(b)(2)(B)(i).)

Upon receipt of the returned provisional ballot from the first-time voter, the procedure set forth above for a returned VBM ballot from a first-time voter applies, except that the ballot return statuses for provisional ballots are: "Counted" and "Not Counted," instead of "Accepted" and "Not Accepted."  (Cal. Code Regs., tit. 2, §§ 19093, 19094.)

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

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

Thank you.