



ALEX PADILLA | SECRETARY OF STATE | STATE OF CALIFORNIA
ELECTIONS DIVISION

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September 29, 2016

County Clerk/Registrar of Voters (CC/ROV) Memorandum #16302

TO: All County Clerks/Registrars of Voters

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

RE: General Election: REMINDER: Surrendering Vote-By-Mail Ballots

The purpose of this CCROV is to provide a reminder to county elections officials regarding the provisions of Elections Code sections 3015 and 3016 with respect to the surrender of a vote-by-mail ballot and subsequent issuance of either a regular/polling place ballot (not provisional ballot) or a provisional ballot. For purposes of this CCROV, a surrendered vote-by-mail ballot is one that the voter does not intend to cast – rather the voter is returning the vote-by-mail ballot in order to receive a regular/polling place ballot.

This CCROV does not affect any process a county may have in place for the drop-off of a voted vote-by-mail ballot.

Surrender of Vote-By-Mail Ballot and Issuance of a Regular Ballot – Not a Provisional Ballot

If a vote-by-mail voter appears at the polls on Election Day and surrenders his or her vote-by-mail ballot, the voter is entitled to vote a regular – not provisional – polling place ballot.

To ensure uniformity across the state, a properly surrendered vote-by-mail ballot means a vote-by-mail return envelope/ID envelope, as well as all of the ballot cards. (Elections Code sections 2300(a)(1)(B) [Voter Bill of Rights], 3015.) The surrender of the vote-by-mail return envelope/ID envelope, with the voter's name printed on it, allows poll workers to verify that the person surrendering the vote-by-mail ballot and envelope is signing the appropriate place on the voter roster/voter index/electronic poll book as the person eligible to vote at that precinct.

Unable to Surrender Vote-By-Mail Ballot and Issuance of Provisional Ballot

If a vote-by-mail voter is unable to surrender his or her vote-by-mail ballot, which includes the vote-by-mail return envelope/ID envelope and all of the ballot cards, the

voter shall be issued a provisional ballot in accordance with Section 14310. (Elections Code section 3016.)

Vote-By-Mail Voters on Roster

To facilitate the ability of poll workers to identify vote-by-mail voters, the names of the voters who were mailed ballots for the November General Election should appear on the voter roster/voter index/electronic poll book or any roster supplement that is maintained at the polling place. Moreover, any vote-by-mail voter who properly surrenders a vote-by-mail ballot and is issued a regular – not provisional – polling place ballot must sign the roster/index/electronic poll book or any roster supplement. (Elections Code sections 14105(a), 14107-14109, 14216.)

Suggested Reminder for Poll Workers

You may wish to provide to your poll workers the following information regarding provisional ballots:

As a poll worker, you have a duty to assist in the administration of the election. You should *never* turn a voter away from the polls. A voter *always* has the right to cast a ballot, although scenarios will arise where a voter may not be able to cast a regular ballot and he or she will be required to vote a provisional ballot.

A provisional ballot is used when:

- A voter's name does not appear on any of the roster lists provided.
- A voter is at the wrong precinct, but still wants to vote at this polling site.
- A vote-by-mail voter wants to vote at this precinct, but cannot surrender his or her complete vote-by-mail ballot, which includes the vote-by-mail return envelope/ID envelope and all of the ballot cards.
- A voter's name or address is different than that listed on the roster lists.
- A voter with "Proof of Residence Required" next to his or her name in the roster is unable to provide proof of residence.
NOTE: The "Proof of Residence" requirement can be satisfied with over 30 acceptable documents listed in your poll worker handbook. A photo ID is acceptable, but is not required to satisfy proof of residence.
- A voter is challenged and the challenge is not resolved in his or her favor.

If you have any questions, please feel free to contact Rachelle Delucchi at Rachelle.Delucchi@sos.ca.gov or (916) 657-2166. Thank you.