



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

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March 30, 2018

County Clerk/Registrar of Voters (CC/ROV) Memorandum #18065

TO: All County Clerks/Registrars of Voters

FROM: /s/ Robbie Anderson  
Elections Counsel

RE: Regulations

The Secretary of State has promulgated several regulations packages that are effective for the upcoming June 5, 2018, Statewide Direct Primary Election. A summary of each package and its status is as set forth below. The text of the regulations may be found on the Secretary of State's website at <http://www.sos.ca.gov/administration/regulations/>.

Ballot Printing Regulations

[\(http://www.sos.ca.gov/administration/regulations/current-regulations/elections/ballot-printing/\)](http://www.sos.ca.gov/administration/regulations/current-regulations/elections/ballot-printing/)

- Elections Code sections 13004, 13004.5, and 13005 require the Secretary of State to adopt regulations governing the manufacture, finishing, quality standards, distribution, and inventory control of ballot cards.
- These regulations amend Sections 20200 through 20280 of the California Code of Regulations.
- The regulations:
  - Remove requirements that are no longer relevant to ballot printing and manufacturing.
  - Create regulations for purposes of certifying ballot-on-demand systems.
  - Create and clarify regulations for ballot-on-demand users.
  - Clarify regulations in printing processes for commercial printers.
- These regulations became effective on January 11, 2018.

Conditional Voter Registration (CVR)

<http://www.sos.ca.gov/administration/regulations/current-regulations/elections/conditional-voter-registration/>

- CVR is addressed in Elections Code sections 2170-2173.
- Under CVR, a voter can "conditionally" register to vote after the 15-day close of registration and vote a CVR provisional ballot. If, before or during the canvass,

the “conditional” registration is deemed valid, the CVR provisional ballot can be counted.

- The regulations:
  - Provide that the affidavit can be submitted either in person at the office of the county elections official, at a vote center, or at a satellite office designated by the county elections official, OR online through COVR.
  - Require that locations where CVR is offered must have the following:
    - e-poll books, access to the county’s local elections management system, or a way to provide the proper ballot to the voter
    - a ballot on-demand printing system or access to all ballot styles
  - Require that CVR provisional ballot envelopes – they must look visibly different (color, stamp, etc.) from other all other ballot envelopes.
  - Address ballot processing, ballot return status, reason codes, and voter participation history.
- The regulations became effective March 8, 2018.

#### Early Ballot Retrieval

<http://www.sos.ca.gov/administration/regulations/current-regulations/elections/early-ballot-retrieval/>

- Elections Code section 14422 allows for county elections officials to retrieve voted ballots from voting locations prior to the closing of the polls.
- Section 14422 requires the SOS to adopt regulations addressing the secure delivery and transfer of those ballots.
- The regulations:
  - Define “designated ballot retrievers” as authorized county representatives, poll workers, or vote center workers, assigned to retrieve voted ballots together from polling places prior to the closing of the polls, or temporary workers or volunteers retained for that purpose.
  - Require these individuals to wear a badge or some other form of identification and to take an oath prior to retrieving ballots.
- The regulations also address:
  - Notification to the public of the locations and estimated times that early ballot retrieval will occur.
  - Ballot collection procedures and establishing a secure chain of custody.
  - That ballots retrieved shall be processed in the same manner as ballots that are retrieved after the closing of the polls.
- The regulations became effective January 8, 2018.

#### Vote-By-Mail Ballot Drop Boxes and Vote-By-Mail Drop-off Locations

<http://www.sos.ca.gov/administration/regulations/current-regulations/elections/vote-mail-ballot-drop-boxes-and-drop-locations/>

- Elections Code section 3025 requires the SOS to draft regulations based on best practices for security measures and procedures, including, chain of custody,

- pick-up times, proper labeling, and security of vote by mail ballot drop boxes to be used for vote-by-mail drop-off locations.
- The regulations:
  - Define “designated ballot retrievers” as county employees, representatives, poll workers, or vote center workers, authorized by the elections official to retrieve ballots from drop boxes, or temporary workers or volunteers retained and authorized by the elections official to do the same.
  - Require these individuals to wear a badge or some other form of identification and to take an oath prior to retrieving ballots.
- The regulations also address:
  - The design of vote-by-mail drop boxes
  - The difference between staffed and unstaffed drop boxes
  - Accessibility, location, and security for vote-by-mail drop-off locations and drop boxes
  - Notification to the public of the times of drop box availability and estimated times of ballot collections
  - That ballots retrieved shall be processed in the same manner as are other vote-by-mail ballots
- The regulations became effective January 11, 2018.

### Electronic Poll Books

<http://admin.cdn.sos.ca.gov/regulations/proposed/elections/poll-book/text-proposed-regulations.pdf>

We have one regulation package, for Electronic Poll Books, still under review with the Office of Administrative Law for final approval. These regulations were submitted to the Office of Administrative Law (OAL) on February 27, 2018. The OAL has 30 working days to review the submission.

The purpose of the regulations is to govern the certification and use of electronic poll books, and to create clear and concise requirements for electronic poll book systems.