



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

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September 19, 2018

County Clerk/Registrar of Voters (CC/ROV) Memorandum #18225

TO: All County Clerks/Registrars of Voters

FROM: /s/ Jenny Chernis-Sanders
Associate Elections Analyst

RE: VoteCal: Modification of Voting Rights - Mental Incompetency or Specific Criminal Findings

Pursuant to Elections Code sections 2208 through 2211, county elections officials should be receiving and processing notifications or court orders from their respective county court. When a county court disqualifies an individual's right to vote or restores an individual's right to register to vote related to a determination of mental incompetency or specific criminal findings, the court is required to notify and/or forward the court order to the respective county elections official.

In 2016, Elections Code sections 2208 through 2211 were amended to require the county courts to also notify the Secretary of State with respect to these matters. Once the Secretary of State's office began to receive the court data, our office identified that one of the challenges of using this data to update voter records was a lack of sufficient identifying information in order to make a positive match to a county record. Accordingly, in an effort to obtain specific points of identifying information from the courts, the Secretary of State's office collaborated with Judicial Council to create a standard court form entitled, *Confidential Notification of Court Order Modifying Voting Rights* ("Notification Form"). The Notification Form includes data points the county elections officials can use to make a successful match, including: SSN4, date of birth, home address, and driver license number. (See attached Notification Form.) County courts may use the Notification Form when sending this information to the Secretary of State's office and county elections officials.

When a county elections official receives a notification or a court order (which one they receive will depend on the applicable Elections Code section) from their county court, they should search for the voter within their county Election Management System (EMS) using all data points – SSN4, date of birth, home address, and driver license number – that were provided by the court to find potential matches.

- If the county elections official finds a definite match (as determined by the county reviewing the records), they must take the following action:
 - If the notification or court order indicates that the individual has been disqualified from voting, the individual's voter registration must be cancelled pursuant to Elections Code section 2201(a)(2). It is recommended that the county elections official upload an image of the disqualifying notification or court order.
 - If the notification indicates that the individual's right to register to vote has been restored, it is recommended that the county upload an image of the notification to the voter record. It is important to note that the individual's voter status does not change until the individual submits a new voter registration application. Subsequently, if the individual submits a voter registration application and a match is found, this uploaded image may assist in the determination of voter eligibility.
- If the county elections official does not find a definite match (as determined by the county reviewing the records), they do not need to take any action with respect to the county court's notification or order.

If you are not currently receiving any data or usable data from your county court pursuant to Elections Code sections 2208 through 2211, please contact Jennifer Chernis-Sanders at (916) 695-1564 or via email at Jennifer.Chernis-Sanders@sos.ca.gov.

Additionally, if you have any questions or need clarification regarding this CCROV or other VoteCal matters, please contact the VoteCal Help Desk at 888-868-3225 or via email at VoteCalHelp@sos.ca.gov.

Attachment:

Confidential Notification of Court Order Modifying Voting Rights ("Notification Form")

CONFIDENTIAL

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<i>FOR COURT USE ONLY</i> SAMPLE Not a Judicial Council form
CASE NAME: <input type="checkbox"/> CRIMINAL <input type="checkbox"/> CONSERVATORSHIP	CASE NUMBER:
CONFIDENTIAL NOTIFICATION OF COURT ORDER MODIFYING VOTING RIGHTS	DATE OF HEARING/ORDER:

Instructions to court staff: Whenever the court makes an order modifying a person's voting rights as described in sections 2208, 2209, 2210, or 2211 of the Elections Code, send a completed copy of this form to the Secretary of State **and** the county registrar of voters or other elections official at the addresses designated by those officials for receipt of the required notifications. Retain a copy of this form in a confidential portion of the case file.

- The court issued an order modifying the voting rights of:
Name (*first, middle, last, suffix*):
Last known residence (*street address*):
Last known residence (*city, county, and zip code*):
Date of birth: Driver's license or ID # (*if available*): Last 4 digits of social security # (*if available*):
- The person named in 1 has been **disqualified** from voting for the following reason:
 - The court appointed a conservator of the person as described in section 2208(a) of the Elections Code and also determined by clear and convincing evidence that the person named in 1 cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process.
 A copy of the order is attached as required by section 2208(c) of the Elections Code.
 - The court determined by clear and convincing evidence that the person named in 1, who is the subject of an existing conservatorship of the person, cannot communicate, with or without reasonable accommodations, a desire to participate in the voting process.
 - The person named in 1 is described by section 2211(a) of the Elections Code, and the court ordered the person committed to a treatment facility referred to in section 2211.
- The right to register to vote has been **restored** to the person named in 1 for the following reason(s):
 - The conservatorship of the person terminated by operation of law or by order of the court.
 - The court determined that the person is **not** incapable of communicating, with or without reasonable accommodations, a desire to participate in the voting process.
 - The court ordered the person named in 1 released from the treatment facility to which he or she had been committed.

I certify that the information on this form is true and correct.

Date:

(TYPE OR PRINT NAME) Clerk, by _____, Deputy
(SIGNATURE)

**CONFIDENTIAL NOTIFICATION OF
COURT ORDER MODIFYING VOTING RIGHTS**