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ELECTIONS DIVISION

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December 31, 2019

County Clerk/Registrar of Voters (CC/ROV) Memorandum #19172

TO: All County Clerks/Registrars of Voters

FROM: /s/ Robbie Anderson
Elections Counsel

RE: Presidential Primary: No Party Preference Voters

The purpose of this memorandum is to detail the responsibilities of county elections officials regarding No Party Preference (NPP) voters.

Notice to Permanent Vote-by-Mail NPP Voters

Elections Code section 3205(b) requires county elections officials to send a notice and application to each NPP voter who is a permanent vote-by-mail voter regarding how to request a cross-over ballot in the presidential primary election.

The notice shall inform the NPP voter that they may request a vote-by-mail ballot for a particular political party for the presidential primary election, if that political party authorized NPP voters to vote in their primary. The notice shall also contain the Secretary of State's toll-free number (800) 345-8683 (VOTE) that the voter may call to access information regarding which political parties have adopted such a rule.

For the March 3, 2020, Presidential Primary Election, the following parties have authorized NPP voters to vote in their Presidential Primary Election:

- American Independent Party,
- Democratic Party, and
- Libertarian Party

The application provided to the voter shall contain a checkoff box with a conspicuously printed statement that reads substantially similar to the following:

I am not registered with a qualified political party. However, for this primary election only, I request a vote-by-mail ballot with the presidential candidates from the party below (check one box):

While Section 3205(b) is silent as to when the notice should be sent, the Secretary of State's office recommends that the notices be sent prior to Friday, January 10, 2020 (E-53). Sending notices by this date will ensure that NPP voters have sufficient time before the election to choose if they would like to vote a party's ballot and will give county elections officials sufficient time to process the requests before vote-by-mail ballots are to be transmitted to voters.

For uniform messaging throughout the state, the Secretary of State has developed a postcard notice that counties may use to contact their NPP voters; refer to [CCROV # 19123](#) for more information.

County Voter Information Guide and County Elections Officials' Websites

Elections Code section 13501(c) requires county elections officials to include the following information in each nonpartisan county voter information guide and on the county elections official's website:

- A statement that a voter who has declined to disclose a political party preference may vote in a political party's partisan primary election if the political party, by party rule duly noticed to the Secretary of State, authorizes a voter who has declined to disclose a political party preference to vote in the next ensuing partisan primary election.
- The name of each political party that authorizes a voter who has declined to disclose a political party preference to vote in the partisan primary election.
- A statement that a voter who has declined to disclose a political party preference may request the ballot of one of the political parties that authorizes a voter who has declined to disclose a political party preference to vote in the partisan primary election.

Information on these statements and language that can be used for consistent messaging may be found on the Secretary of State's website at www.howtovoteforpresident.sos.ca.gov.

Electronic Notices to NPP Voters by Counties

Elections Code section 13501(c) also requires county elections officials to send emails to their NPP voters notifying the voters that they may request a political party's ballot at the presidential primary election if the political party has so authorized.

In addition, Section 13501(c) requires county elections officials to provide the notice to their NPP voters by text message, if the voters have provided written consent to receive text messages from the county elections official.

Notices Sent with NPP Vote-by-Mail Ballots

When the county elections official sends an NPP voter their vote-by-mail ballot, Section 13502 requires that each ballot be accompanied by a notice informing the voter that he or she may request a political party's ballot at the presidential primary election if the political party has so authorized.

Cross-Over Ballot Requests

As stated in [CCROV # 19119](#), effective January 1, 2018, the Elections Code was amended by Assembly Bill 837 (Chapter 819 of the Statutes of 2017) to add, amongst other provisions, Section 13502, which provides that an NPP voter may request a cross-over ballot using one of the following methods:

- By vote-by-mail ballot application pursuant to Section 3006(c)
- By telephone pursuant to Section 3007.8
- Over the internet if available pursuant to Section 3007.7
- By email or facsimile transmission, if permitted by the county elections official

For cross-over ballot requests that occur telephonically or electronically (pursuant to Section 3007.5 or 3007.7), the NPP voter does not need to personally affix the name of the party for whom they are requesting a ballot.

Additionally, for any cross-over ballot request contained in a vote-by-mail ballot application, over the internet, by email, or facsimile transmission, the county elections official shall accept the request if the NPP voter's choice of party ballot is clearly indicated (including via a checkbox).

Polling Place Notices and Activities

Pursuant to Section 14105(n), the Secretary of State is required to supply posters and/or other materials required by Section 14105.2 to each county elections official, who shall furnish those materials to precinct officers. These posters and/or other materials shall be conspicuously posted both inside and outside every polling place. The Secretary of State's office developed a "How to Vote for President" poster that can be used at polling places; refer to [CCROV # 19168](#) for more information.

Prior to issuing an NPP voter a nonpartisan ballot or before the NPP voter enters the voting booth, Section 14227.5(a) requires a poll worker to provide a uniform notification to the voter informing the voter that they may request a political party's ballot and the name of each political party that has authorized an NPP voter to vote its ballot. An optional "No Party Preference" flyer was provided in [CCROV # 19168](#). In addition, Section 14227.5(b) requires county elections officials to train the members of the precinct board regarding this duty.

For all NPP voters, Section 13102(d) requires the county elections official to maintain a record of which political party's ballot was requested, or whether a nonpartisan ballot was requested.

Provisional Ballot and Conditional Voter Registration Envelopes

If the county elections official will utilize provisional ballot envelopes or conditional voter registration envelopes as affidavits of registration pursuant to Section 2160, the envelopes must contain a listing of all qualified political parties. Additionally, Section 2151(b)(2) requires the listing of the qualified political parties, as well as an option for the affiant to decline to disclose a party preference; this option shall be placed at the end of the list of the qualified political parties. Lastly, as required by Section 2151(b)(1), the envelopes must include an explanation regarding NPP voters and how to choose a particular party's ballot.

If you have questions, please feel free to contact me at aanderso@sos.ca.gov or (916) 695-1566. Thank you.