



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

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County Clerk/Registrar of Voters (CC/ROV) Memorandum #19125

TO: All County Clerks/Registrars of Voters

FROM: /s/ Rachelle C. Delucchi  
Elections Counsel

RE: Voter Registration: Conditional Voter Registration Statutory Changes

This memorandum will summarize the Senate Bill 72 changes to Conditional Voter Registration (CVR) and Elections Code section 2170, as well as offer information that can be used throughout the CVR period at permanent and satellite offices and polling locations, touch on “best practices,” and provide important reminders regarding ballot and provisional ballot envelope supplies.

Changes to Elections Code Section 2170

Senate Bill (SB) 72 (Chapter 565, Statutes of 2019) takes effect on January 1, 2020, and amends Elections Code section 2170 to require county elections officials to offer CVR and CVR provisional voting at all permanent and satellite county elections offices and all polling places in the county. (Elec. Code, § 2170(d)(1).)

SB 72 also amends the current process of CVR provisional voting, as follows:

- If the county elections official **can** determine a CVR voter’s precinct, and the ballot for that precinct is:
  - Available - the county elections official shall provide the voter with a ballot for the voter’s precinct. (Elec. Code, § 2170(e)(1).)
  - Not available - the county elections official may inform the voter of the location of their polling place. (Elec. Code, § 2170(e)(3).)
- If the county elections official **cannot** determine the CVR voter’s precinct -OR- the ballot for the voter’s precinct is unavailable, the county elections official shall:
  - Provide the CVR voter with the ballot that is available at the precinct, and
  - Inform the voter that only the votes for the candidates and measures on which

the voter would be entitled to vote in the voter's assigned precinct may be counted. (Elec. Code, § 2170(e)(2).)

SB 72 also allows county elections officials to offer nonprovisional voting, known as "Instant CVR," at polling locations if the county elections official:

- uses the statewide voter registration system and
  - can verify that the CVR voter is 1) eligible to register, 2) has not voted in that election, and 3) has not been included on a roster for that election in a non-Voter's Choice Act county, and
  - can update the voter's record to indicate that the voter has voted in that election; and
- updates the roster to indicate that the voter has voted and shall not be issued another nonprovisional ballot for that election, if the CVR voter appears on county's roster for that election. (Elec. Code, § 2170(f).)

The text of SB 72 can be found at:

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200SB72](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB72).

### **E-14 through E-1: CVR required at all permanent and satellite offices and all vote centers**

During this time period, CVR must be offered at all permanent and satellite county elections offices and all vote centers.

Each of these locations must have: 1) the capability to determine a CVR voter's precinct and 2) access to all the precinct ballots in the county.

#### **CVR provisional voting implementation process at these locations:**

- Provide the individual a voter registration application.
- Once the voter completes the application, the county elections official determines the CVR voter's precinct.
- Provide the CVR voter a ballot for the voter's precinct.
- Voter places the voted ballot in a CVR provisional ballot envelope.

#### **"Instant CVR"/nonprovisional voting implementation process at these locations:**

- Provide the individual a voter registration application.
- Once the voter completes the application, the county elections official must verify that the CVR voter:
  - is eligible to register,
  - has not voted in that election, and
  - has not been included on a roster for that election in a non-Voter's Choice Act county.
- Determine the CVR voter's precinct.
- Provide the CVR voter a ballot for the voter's precinct, unless there is a red or yellow light for issuing and/or counting ballots as described in [VoteCal Guidance: Ballot Processing](#) (issued May 7, 2018).
  - If a red or yellow light is indicated, the CVR voter must vote provisionally/ place their voted ballot in a CVR provisional ballot envelope.
- Voter to place voted ballot into ballot box (CVR provisional ballot envelope is not used).
- Immediately upon ballot issuance, update the voter's record to indicate that the voter has voted in that election; ensure this information is sent to VoteCal in near real time.
- If the CVR voter appears on the county's roster for that election (in a non-Voter's Choice Act county), update the roster to indicate that the voter has voted and shall not be issued another nonprovisional ballot for that election.

**Election Day: CVR required at all permanent and satellite offices, all vote centers, and all polling places**

In addition to CVR being offered at all permanent and satellite county elections offices and all vote centers, CVR must be offered at all polling locations on Election Day.

Election Day CVR at all permanent and satellite county elections offices and all vote centers: see the above guidance.

Election Day "Instant CVR" at a polling location: see the above guidance.

For all other polling locations on Election Day, CVR can be implemented as follows:

**If the polling location has technology to determine the CVR voter's precinct and:**

**Ballot for that precinct is available:**

- Provide the individual a voter registration application.
- Once the voter completes the application, the county elections official determines the CVR voter's precinct.
  - The Secretary of State recommends having a minimum of two workers at the polling place who have credentials to access the technology that can determine a CVR voter's precinct in order to ensure adequate coverage.
- Provide the CVR voter a ballot for the voter's precinct.
  - The Secretary of State recommends having a minimum of two workers at the polling place who have access to the ballots for all the precincts in the county to ensure adequate coverage.
  - If access to all precinct ballots within the county is through the use of an electronic ballot marking device, poll workers should be made aware that a voter might refuse to use that voting option. If so, the CVR voter should be:
    - informed of the location of their correct polling place where the ballot for their precinct is available, or
    - given a ballot that is available at the precinct with information that only the votes for the candidates and measures on which the voter would be entitled to vote in the voter's assigned precinct may be counted.
- Voter places the voted ballot in a CVR provisional ballot envelope.

**Ballot for that precinct is NOT available:**

- Inform the voter of the location of their correct polling place and their option to vote at the correct polling place or at their current location.
- If the individual does not wish to go to their polling place, provide the individual a voter registration application.

- Once the voter completes the application, the county elections official determines the CVR voter's precinct.
  - The Secretary of State recommends having a minimum of two workers at the polling place who have credentials to access the technology that can determine a CVR voter's precinct.
- Give the CVR voter:
  - a ballot that is available at the precinct, and
  - inform the voter that only the votes for the candidates and measures on which the voter would be entitled to vote in the voter's assigned precinct may be counted.
- Voter places the voted ballot in a CVR provisional ballot envelope.

**If polling location does NOT have technology to determine the CVR voter's precinct -OR- the ballot for the voter's precinct is NOT available:**

- If possible, inform the individual of the location of their correct polling place where the ballot for their precinct is available, and their option to vote at the correct polling place or at their current location.
- If the individual does not wish to go to their polling place (or if the polling location does not have the technology to determine the CVR's precinct), provide the individual a voter registration application.
  - Give the CVR voter:
    - a ballot that is available at the precinct, and
    - information that only the votes for the candidates and measures on which the voter would be entitled to vote in the voter's assigned precinct may be counted.
  - Voter places the voted ballot in a CVR provisional ballot envelope.

**Possible Messaging at Polling Locations to Explain CVR**

If your county is unable to provide a CVR voter with the ballot for their precinct and/or cannot determine the voter's precinct, the Secretary of State recommends the following be used as messaging and/or signage at your polling locations:

### **FORGOT TO REGISTER TO VOTE OR UPDATE YOUR REGISTRATION?**

No problem! If you are not registered to vote or if you need to update your voter registration, you can register to vote and vote a ballot that is available at this polling location. This is known as conditional voter registration.

The ballot you will be given might not be the exact ballot that you are entitled to vote. It may have different candidates and ballot measures that you are not eligible to vote on.

Once it is determined that you are eligible to register to vote, our office will count only the votes for the candidates and measures that you were entitled to vote on.

Your other option is to visit your assigned polling place for a ballot that will include all the candidates and ballot measures you are eligible to vote on.

In order to find out if your ballot was counted, call (\_\_\_\_) \_\_\_\_ or visit our website at: \_\_\_\_\_ or the Secretary of State's website at: [www.vote.ca.gov](http://www.vote.ca.gov).

### Poll Worker Training Standards

The Secretary of State's office is in the process of updating the Poll Worker Training Standards to reflect, among other things, the SB 72 changes to CVR. When that publication has been fully updated, a memorandum will be issued.

### Best Practices

The Secretary of State's office worked in conjunction with CACEO's Line Busting Committee (LBC), which described their purpose as: creating best practices, findings, and workflow to help mitigate voter lines on Election Day.

In general, the LBC suggests three strategies in order to address long lines at vote centers and polling places:

- Uniform messaging throughout the state and county on flyers, direct contact mailings, social media, advertising campaigns, and at trainings and outreach events;
- Line monitors/greeters with established roles and expectations to determine the voters' needs upon entering the polling location and addressing those needs as early as possible; and
- Workflows for voters with different needs (see attached flowchart as an example of a

possible workflow).

We anticipate that the LBC will be finalizing their findings and make them available on the CACEO's website. Our office encourages all counties to review the committee's findings and use them to create and implement messaging and workflows that will best suit each individual county and their voters.

### Survey

In the next few weeks, the Secretary of State's office will issue a survey to all county elections officials inquiring as to how each county plans to implement the SB 72/Elections Code section 2170 changes to CVR at their permanent and satellite offices and all polling locations.

### Future Presentations/Webinars

Once counties have contemplated their implementation of SB 72/Elections Code section 2170 changes to CVR, and responded to the survey, the Secretary of State's office will evaluate and determine where additional training may be needed. Our office anticipates conducting presentations and/or webinars to provide targeted support for the different varieties of CVR implementation.

### Reminder: Ballot and Provisional Ballot Envelope Supplies

The increased public interest surrounding the March 3, 2020, Presidential Primary Election coupled with the availability of CVR at every polling location will significantly increase voter turnout throughout the state.

The Secretary of State's office urges counties to plan accordingly to ensure that each polling location has a sufficient number of ballots, including any required multilingual ballots and other voting materials available on Election Day. Elections Code section 14102 requires counties to provide ballots equal in number to at least 75 percent of registered voters in the precinct. However, with CVR to be offered at every polling location, we encourage counties to provide more than the minimum 75 percent in order to ensure each polling location has a sufficient number of ballots on hand to manage the anticipated increase in turnout.

Additionally, the Secretary of State's office recommends that counties provide each satellite office and polling location with a sufficient supply of provisional ballot envelopes, CVR provisional ballot envelopes, and voter registration cards.

If you have any questions, please contact me at [rdelucch@sos.ca.gov](mailto:rdelucch@sos.ca.gov) or at (916) 695-1565.

Attachment

