



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

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February 5, 2020

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 20041

TO: All County Clerks/Registrars of Voters

FROM: /s/ Robbie Anderson
Elections Counsel

RE: Presidential Primary: Clarification on Surrendering Vote-By-Mail Ballots

The Secretary of State has received numerous inquiries regarding whether a voter must surrender their vote-by-mail envelope along with the vote-by-mail ballot in order to receive a nonprovisional ballot.

Elections Code section 3015, which provides for the surrender of vote-by-mail ballots, does not require voters to surrender their vote-by-mail ballot envelopes in order to receive a nonprovisional ballot. Section 3015 only requires the surrender of "vote by mail voter ballots." Requiring a voter to surrender their vote-by-mail ballot envelope along with their vote-by-mail ballot in order to receive a nonprovisional ballot is contrary to the provisions of Section 3015, which reads as follows:

- (a) Notwithstanding subdivision (f) of Section 14310, vote by mail voters who return to the polling place designated for their home precincts on or before election day, or go to a vote center established pursuant to Section 4005, or to the office or satellite office of an elections official where voting is permitted, shall be permitted to vote nonprovisional ballots if either of the following conditions is satisfied:
- (1) They surrender their vote by mail voter ballots to the inspector of the precinct board, a member of the vote center election board, or the elections official.
 - (2) They are unable to surrender their vote by mail voter ballots pursuant to paragraph (1) but the precinct board, vote center election board, or elections official does all of the following:
 - (A) Verifies that they have not returned their vote by mail ballots.
 - (B) Notates their voter records to ensure that their vote by mail ballots are not cast or tabulated after they vote at the polls.
- (b) The precinct board and vote center election board shall return the unused vote by mail voters' ballots surrendered pursuant to subdivision (a) to the elections official in an envelope designated for this purpose.

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To ensure that a voter who has surrendered their vote-by-mail ballot is not issued multiple ballots, the following safeguards for the ballot auditing processes can be employed.

First, consider suspending the processing of returned vote-by-mail ballots for voters who requested multiple ballots after you generate your rosters. These ballots could be separated for processing after Election Day and after the polling place voter history has been applied to your EMS.

A second option is to work with your EMS vendor to add a notation on the roster you send to the polls to indicate that a voter was issued multiple vote-by-mail ballots. If the voter cannot surrender *both (or all)* of the ballots that were issued to them at the polls, you must require them to vote provisionally, unless specified conditions apply. We believe that Elections Code section 3015(a) already allows for this practice.

Please note that the guidance provided in [CCROV # 20019](#) remains in full effect. This memorandum provides additional guidance to ensure uniform vote-by-mail ballot surrender procedures throughout the state.

If you have any questions, please feel free to contact me at aanderso@sos.ca.gov.
Thank you.