



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

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January 31, 2020

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 20036

TO: All County Clerks/Registrars of Voters

FROM: /s/ Jana M. Lean
Chief, Elections Division

RE: Presidential Primary: Vote-By-Mail Ballot Procedures

The Secretary of State's office has received inquiries regarding vote-by-mail procedures in advance of the March 3, 2020, Presidential Primary Election. The purpose of this CCROV is to provide reminders of existing procedures and new procedures enacted by the legislature in 2019.

Mailing Vote-By-Mail Ballot Materials

County elections officials shall begin mailing vote-by-mail ballots and the materials required by Elections Code section 3010 no later than 29 days before the day of the election. (Elec. Code, § 3001(b).) The 29th day before the March 3, 2020, Presidential Primary Election is Monday, February 3, 2020.

The vote-by-mail return envelope sent to a voter shall include prepaid postage. (Elec. Code, § 3010(a)(2).)

The county elections official has five days to mail a ballot to each person who has requested a vote-by-mail ballot by the 29th day before the day of the election, and five days for each voter who requests a vote-by-mail ballot after that date. (Elec. Code, § 3001(b).)

The county elections official shall not discriminate against any region or precinct in the county in choosing which ballots to mail first within the prescribed five-day mailing period. (Elec. Code, § 3001(b).)

Voters Who Utilize Same Day/Conditional Voter Registration

A voter who utilizes the conditional voter registration process after the close of registration may not request a vote-by-mail ballot for that election. The voter may, however, request a vote-by-mail ballot for future elections when completing their voter registration affidavit.

Returning of Voted Vote-By-Mail Ballots

Elections Code section 3017(a) allows a vote-by-mail voter to return their voted ballot:

- By mail or in person to the elections official who issued the ballot.
- In person to any polling place or vote center within the state.
- To a vote-by-mail drop box or dropoff location within the state.

In the event a voted vote-by-mail ballot is returned to a county in which the voter does not reside, the elections official who received the ballot shall forward the ballot to the elections official who issued the ballot no later than eight days after receipt. (Elec. Code, § 3017(a)(3).)

A voter who is unable to return their voted vote-by-mail ballot may designate another person to return the ballot on their behalf. (Elec. Code, § 3017(a)(2).) The person designated to return the ballot shall not receive any form of compensation based on the number of ballots that the person returns, and an individual, group, or organization shall not provide compensation on this basis. (Elec. Code, § 3017(e).)

The designated person must return the ballot in person, or put the ballot in the mail, no later than three days after receiving it from the voter or before the close of the polls on election day, whichever time period is shorter. However, a ballot shall not be disqualified from being counted solely because it was returned or mailed more than three days after the designated person received it from the voter, provided that the ballot is returned by the designated person before the close of polls on election day. (Elec. Code, § 3017(a)(2).)

While Elections Code section 3011(a)(11) requires the designated person to sign the vote-by-mail return envelope, the failure of the designated person to sign the envelope should not disqualify the ballot from being counted.

The Secretary of State has created a short video on how to vote by mail in California: <https://youtu.be/vbj5gnaLqV0>.

Mismatched or Missing Signatures

Upon receipt of a voted vote-by-mail ballot, if the envelope is unsigned, or if the elections official determines that the signature on the envelope does not match the signature(s) contained in the voter's registration record, the voter must be provided an opportunity to cure the signature issue.

For additional information on missing signature and mismatch signature cure procedures, please see [CCROV # 20002](#).

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