
Secretary
of
State

Guide for Conducting a Vote-By-Mail Application Drive

2020



Preface

The Secretary of State's Guide for Conducting a Vote-by-Mail Application Drive is designed to help political parties, vote-by-mail registration drive coordinators, petition management companies, circulators, and volunteers understand their responsibilities and requirements when helping people apply to vote by mail.

This Guide is designed to reflect all current laws, regulations and rules that pertain to voting by mail, but it does not have the force and effect of law, regulation or rule. Therefore, in the unlikely event there is a conflict between the Guide and a law, regulation or rule, the law, regulation or rule takes precedence.

The Secretary of State's Investigative Services Unit vigorously pursues possible violations of the California Elections Code and Penal Code relating to election, voter registration, voting by mail, petition, and voter fraud. The Unit has the authority to investigate all possible Elections Code related violations, but must turn its findings over to the Attorney General or local district attorney for possible prosecution of any case.

If you witness activity that you suspect may be improper or illegal or if you have questions, please contact the Secretary of State's Elections Division at (916) 657-2166.

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Guide for Conducting a Vote-by-Mail Application Drive

Basic Information

The information presented in this Guide is intended to assist people, groups, and organizations who conduct vote-by-mail application drives.

The following information should be shared with your workers or volunteers to ensure they are aware of the laws applicable to the vote-by-mail process, and to help them answer questions about voting by mail. Each worker or volunteer must understand that if they are unsure of the answer to any question posed by a voter, they should refer the voter to the appropriate elections official.

Workers and volunteers should have a copy of the “Instructions for Completing California Vote-by-Mail Ballot Application”, which may be found at <https://elections.cdn.sos.ca.gov/vote-by-mail/pdf/vote-by-mail-application.pdf>.

After reviewing this Guide, if you have further questions, please contact your county elections official, or the Secretary of State’s office at (800) 345-VOTE (8683) or elections@sos.ca.gov.

Voting by Mail

Any registered voter is entitled to a vote-by-mail ballot. (Elections Code § 3003.)

An application for a vote-by-mail ballot shall be made in writing to the county elections official between the 29th and the 7th day prior to the election. (Elections Code § 3001(a).)

California Statewide Application

The Secretary of State, as required, has prepared a uniform format for vote-by-mail ballot applications. This format must be used by all people, groups and organizations distributing these applications in more than one county. (Elections Code § 3007.)

The California Vote-By-Mail Ballot Application may be found on the Secretary of State’s website at <https://elections.cdn.sos.ca.gov/vote-by-mail/pdf/vote-by-mail-application.pdf>.

County-Specific Applications

The uniform format is not required to be used on vote-by-mail ballot applications printed on county voter information guides or by voters who write directly to the elections office and are not part of an organized effort to solicit applications. (Elections Code § 3007.)

If your vote-by-mail application drive will be conducted exclusively in one county, be sure to contact your county elections official for information about training everyone

involved in your drive. Your county elections official will have a county-specific form with barcode information, and may also have printed material or other resources that might be useful in training your workers and volunteers. Contact information for county elections officials may be found at <https://www.sos.ca.gov/elections/voting-resources/county-elections-offices/>.

Any vote-by-mail ballot application that is mailed to a voter by a person, group, or organization shall be non-forwardable. Any vote-by-mail application that is returned to the elections official as undeliverable shall not be forwarded by the elections official. (Elections Code § 3008(b).)

What Can be Preprinted on the Application?

In order to ensure accuracy, each voter should fill out all of the information on the California Vote-By-Mail Ballot Application. However, any person, group, or organization distributing the application may preprint the following:

- The printed name and home address of the voter as it appears on the voter's official registration card on file with the county elections official.
- The name and date of the election for which the ballot is requested.
- The name, address, and telephone number of the person, group, or organization authorizing distribution of the application.

(Elections Code §§ 3006(b)(1), 3008(a).)

Any application containing preprinted information must conspicuously contain the following statement: "You have the legal right to mail or deliver this application directly to your county elections official." (Elections Code § 3006(b)(3).)

What Cannot be Preprinted on the Application?

Elections Code section 3006 requires certain items on the California Vote-By-Mail Ballot Application to be personally affixed by the voter. These items include:

- The address where the voter wants the ballot to be mailed.
 - This address may not be the address of any political party, a political campaign headquarters, or a candidate's residence.
 - This provision, however, does not apply to a candidate, their spouse, immediate family members, and any other voter who shares the same residence address as the candidate.
- The voter's signature.
- For a voter who has declined to disclose a preference for (formerly known as a "decline-to-state" voter) a political party, the checkmark and name of a qualified political party whose ballot the voter is requesting.

- If the voter wishes to become a permanent vote-by-mail voter, they must check the appropriate box on the application and write their initials in the space provided. (Elections Code § 3201.)

Submitting the Application

A voter has the right to return their own completed California Vote-By-Mail Ballot Application to the appropriate county elections official if they choose to do so. (Elections Code § 3006(b)(3).) Denying a voter that right could result in criminal prosecution. (Elections Code § 18576.)

A printed vote-by-mail application that allows the voter to submit the application by mail must inform the voter of the address for the elections official, and must specify that address as the only appropriate destination address for mailing the application. (Elections Code § 3006(b)(4).)

Any person, organization, or group that distributes applications for vote-by-mail ballots and receives completed application forms must return the forms to the appropriate county elections office within 72 hours (excluding Saturdays, Sundays and state holidays) of receiving the completed forms, or before the deadline for application, whichever is sooner. (Elections Code §§ 3008(a), 18576.)

Applications must be returned to the elections official of the county where the applicant lives. (Elections Code § 3001(a).) Please do not send applications to the Secretary of State's office. Doing so will delay the application process.

A person may not submit a vote-by-mail ballot application electronically for another registered voter. (Elections Code § 3008(c).)

Penalties Affiliated With the Vote-By-Mail Voting Process

Fine for not returning vote-by-mail applications

Every person who willfully violates Elections Code section 3008(c) (submitting a vote-by-mail application electronically for another person) is guilty of an infraction, punishable by a fine of up to two hundred dollars (\$200) per application. (Elections Code § 18107.5.)

No soliciting or electioneering during vote-by-mail voting

No candidate or representative of a candidate, and no proponent, opponent, or representative of a proponent or opponent, of an initiative, referendum, or recall measure, or of a charter amendment, shall solicit the vote of a vote-by-mail voter, or do any electioneering, while in the residence or in the immediate presence of the voter, and during the time they know the vote-by-mail voter is voting. Any person who knowingly violates this section is guilty of a misdemeanor. (Elections Code § 18371.)

Nonconforming vote-by-mail application

Any person, group, or organization that knowingly distributes any application for a vote-by-mail ballot that does not conform to the requirements set forth in the Elections Code is guilty of a misdemeanor. (Elections Code § 18402.)

Willful interference with return of vote-by-mail ballot application

Any person who willfully (a) interferes with the prompt delivery of a completed vote by mail ballot application, (b) retains a completed vote-by-mail ballot application, without the voter's authorization, for more than three days excluding weekends and state holidays, or by the deadline for return of vote-by-mail ballot applications, whichever is earlier, or (c) denies an applicant the right to return their own completed vote-by-mail ballot application to the local elections official having jurisdiction over the election, is guilty of a misdemeanor. (Elections Code § 18576.)

Willful interference with return of vote-by-mail ballot

Any person having charge of a completed vote-by-mail ballot who willfully interferes or causes interference with its return to the local elections official having jurisdiction over the election is guilty of a misdemeanor punishable by imprisonment in the county jail for up to six months, by a fine of up to ten thousand dollars (\$10,000), or by both the fine and imprisonment. (Elections Code § 18577.)

Fraudulent voting

Any person who applies for, or who votes or attempts to vote, a vote-by-mail ballot by fraudulently signing the name of a fictitious person, or of a regularly qualified voter, or of a person who is not qualified to vote, is guilty of a felony punishable by imprisonment in state prison for up to three years, by a fine of up to one thousand dollars (\$1,000), or by both the fine and imprisonment. (Elections Code § 18578.)