

STATE of CALIFORNIA
**COMMISSION ON STATE
MANDATES**



TEST CLAIM FORM

Section 1

Proposed Test Claim Title:

Extended Conditional Voter Registration

Section 2

Local Government (Local Agency/School District) Name:

County of San Diego

Name and Title of Claimant's Authorized Official pursuant to [CCR, tit.2, § 1183.1\(a\)\(1-5\)](#):

Tracy Drager, Auditor and Controller

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Section 3

Claimant Representative: Christina Snider Title Senior Deputy County Counsel

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<i>For CSM Use Only</i>	
Filing Date:	RECEIVED December 23, 2020 <i>Commission on State Mandates</i>
Test Claim #:	20-TC-02

Section 4 – Please identify all code sections (include statutes, chapters, and bill numbers; e.g., Penal Code section 2045, Statutes 2004, Chapter 54 [AB 290]), regulatory sections (include register number and effective date; e.g., California Code of Regulations, title 5, section 60100 (Register 1998, No. 44, effective 10/29/98), and other executive orders (include effective date) that impose the alleged mandate pursuant to [Government Code section 17553](#) and don't forget to check whether the code section has since been amended or a regulation adopted to implement it (refer to your completed WORKSHEET on page 7 of this form):

Elections Code Section 2170, as amended by Senate Bill 72 § 1.5, Chapter 565, Statutes of 2019 <hr/> <hr/>

- Test Claim is Timely Filed on [Insert Filing Date] [select either A or B]: 12 / 23 / 20
- A: Which is not later than 12 months following [insert the effective date of the test claim statute(s) or executive order(s)] 1 / 1 / 20, the effective date of the statute(s) or executive order(s) pled; or
- B: Which is within 12 months of [insert the date costs were *first* incurred to implement the alleged mandate] / / , which is the date of first incurring costs as a result of the statute(s) or executive order(s) pled. *This filing includes evidence which would be admissible over an objection in a civil proceeding to support the assertion of fact regarding the date that costs were first incurred.*

([Gov. Code § 17551\(c\)](#); [Cal. Code Regs., tit. 2, §§ 1183.1\(c\)](#) and [1187.5.](#))

Section 5 – Written Narrative:

- Includes a statement that actual and/or estimated costs exceed one thousand dollars (\$1,000). ([Gov. Code § 17564.](#))
- Includes all of the following elements for each statute or executive order alleged pursuant to [Government Code section 17553\(b\)\(1\)](#) (refer to your completed WORKSHEET on page 7 of this form):
- Identifies all sections of statutes or executive orders and the effective date and register number of regulations alleged to contain a mandate, including a detailed description of the *new* activities and costs that arise from the alleged mandate and the existing activities and costs that are *modified* by the alleged mandate;
- Identifies *actual* increased costs incurred by the claimant during the fiscal year for which the claim was filed to implement the alleged mandate;
- Identifies *actual or estimated* annual costs that will be incurred by the claimant to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed;

- Contains a statewide cost estimate of increased costs that all local agencies or school districts will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed; Following FY: 20 - 21 Total Costs: \$331,153-722,934
- Identifies all dedicated funding sources for this program; State: AB1824-epoll books only Federal: HAVA Local agency's general purpose funds: N/A Other nonlocal agency funds: N/A Fee authority to offset costs: Reimbursement from local agencies (consolidated elections)
- Identifies prior mandate determinations made by the Board of Control or the Commission on State Mandates that may be related to the alleged mandate: CSM-3713; 00-TC-08; 01-TC-15; CSM-4358; 03-TC-11; 03-TC-23; 10-TC-08; 19-TC-01; 04-LM-04.
- Identifies a legislatively determined mandate that is on the same statute or executive order: N/A

Section 6 – The Written Narrative Shall be Supported with Declarations Under Penalty of Perjury Pursuant to [Government Code Section 17553\(b\)\(2\)](#) and [California Code of Regulations, title 2, section 1187.5](#), as follows (refer to your completed WORKSHEET on page 7 of this form):

- Declarations of actual or estimated increased costs that will be incurred by the claimant to implement the alleged mandate.
- Declarations identifying all local, state, or federal funds, and fee authority that may be used to offset the increased costs that will be incurred by the claimant to implement the alleged mandate, including direct and indirect costs.
- Declarations describing new activities performed to implement specified provisions of the new statute or executive order alleged to impose a reimbursable state-mandated program (specific references shall be made to chapters, articles, sections, or page numbers alleged to impose a reimbursable state-mandated program).
- If applicable, declarations describing the period of reimbursement and payments received for full reimbursement of costs for a legislatively determined mandate pursuant to [Government Code section 17573](#), and the authority to file a test claim pursuant to paragraph (1) of subdivision (c) of [Government Code section 17574](#).
- The declarations are signed under penalty of perjury, based on the declarant's personal knowledge, information, or belief, by persons who are authorized and competent to do so.

Section 7 – The Written Narrative Shall be Supported with Copies of the Following Documentation Pursuant to [Government Code section 17553\(b\)\(3\)](#) and [California Code of Regulations, title 2, § 1187.5](#) (refer to your completed WORKSHEET on page 7 of this form):

- The test claim statute that includes the bill number, and/or executive order identified by its effective date and register number (if a regulation), alleged to impose or impact a mandate. Pages 7-39 to 7-44 (Section 7).

- Relevant portions of state constitutional provisions, federal statutes, and executive orders that may impact the alleged mandate. Pages N/A to _____.
- Administrative decisions and court decisions cited in the narrative. (Published court decisions arising from a state mandate determination by the Board of Control or the Commission are exempt from this requirement.) Pages N/A to _____.
- Evidence to support any written representation of fact. *Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. (Cal. Code Regs., tit. 2, § 1187.5).* Pages 20 to 42 (Sec. 6).

Section 8 –TEST CLAIM CERTIFICATION Pursuant to Government Code section 17553

- The test claim form is signed and dated at the end of the document, under penalty of perjury by the eligible claimant, with the declaration that the test claim is true and complete to the best of the declarant's personal knowledge, information, or belief.

Read, sign, and date this section. Test claims that are not signed by authorized claimant officials pursuant to California Code of Regulations, title 2, section 1183.1(a)(1-5) will be returned as incomplete. In addition, please note that this form also serves to designate a claimant representative for the matter (if desired) and for that reason may only be signed by an authorized local government official as defined in section 1183.1(a)(1-5) of the Commission's regulations, and not by the representative.

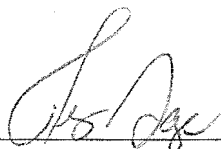
This test claim alleges the existence of a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim is true and complete to the best of my own personal knowledge, information, or belief. All representations of fact are supported by documentary or testimonial evidence and are submitted in accordance with the Commission's regulations. (Cal. Code Regs., tit.2, §§ 1183.1 and 1187.5.)

Tracy Drager

Auditor and Controller

Name of Authorized Local Government Official
pursuant to Cal. Code Regs., tit.2, § 1183.1(a)(1-5)

Print or Type Title



2/26/21

Signature of Authorized Local Government Official
pursuant to Cal. Code Regs., tit.2, § 1183.1(a)(1-5)

Date

Test Claim Form Sections 4-7 WORKSHEET

Complete Worksheets for Each New Activity and Modified Existing Activity Alleged to Be Mandated by the State, and Include the Completed Worksheets With Your Filing.

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: Elections Code 2170(d)(1) as amended by Senate Bill 72 § 1.5, Ch. 565, Stats. of 2019

Activity: Additional Registrar of Voters staffing to plan, prepare, and design envelopes

Initial FY: 19 - 20 Cost: \$29,019 Following FY: 20 - 21 Cost: N/A

Evidence (if required): Declarations of L. Michael Vu and Liliana Lau

All dedicated funding sources; State: N/A Federal: N/A

Local agency's general purpose funds: N/A

Other nonlocal agency funds: N/A

Fee authority to offset costs: N/A

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: Elections Code 2170(d)(1) as amended by Senate Bill 72 § 1.5, Ch. 565, Stats. of 2019

Activity: Additional Registrar of Voters staffing to conduct additional data entry and process CVR ballots

Initial FY: 19 - 20 Cost: \$123,965 Following FY: 20 - 21 Cost: estimated \$199,715

Evidence (if required): Declarations of L. Michael Vu, Liliana Lau, and Cynthia Paes

All dedicated funding sources; State: N/A Federal: N/A

Local agency's general purpose funds: N/A

Other nonlocal agency funds: N/A

Fee authority to offset costs: reimbursement(consolidated elections) FY 19/20: \$27,648.

FY 20/21 possible reimbursement from consolidated elections or HAVA-unknown amount.

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: Elections Code 2170(d)(1) as amended by Senate Bill 72 § 1.5, Ch. 565, Stats. of 2019

Activity: Training—create new training materials for poll workers to offer conditional voter registration at every polling place in the county and train poll workers

Initial FY: 19 - 20 Cost: \$32,166 Following FY: 20 - 21 Cost: estimated \$51,793

Evidence (if required): Declarations of L. Michael Vu, Liliana Lau, and Cynthia Paes

All dedicated funding sources; State: N/A Federal: N/A

Local agency's general purpose funds: N/A

Other nonlocal agency funds: N/A

Fee authority to offset costs: reimbursement(consolidated elections)19/20 \$7,174;20/21 unknown

Test Claim Form Sections 4-7 WORKSHEET

Complete Worksheets for Each New Activity and Modified Existing Activity Alleged to Be Mandated by the State, and Include the Completed Worksheets With Your Filing.

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: Elections Code 2170(d)(1) as amended by Senate Bill 72 § 1.5, Ch. 565, Stats. of 2019

Activity: Election Staffing--recruit and hire additional temporary staff and poll workers in order to handle the anticipated increase in voters due to the new availability of CVR

Initial FY: 19 - 20 Cost: \$96,608 Following FY: 20 - 21 Cost: N/A

Evidence (if required): Declarations of L. Michael Vu, Liliana Lau, and Cynthia Paes

All dedicated funding sources; State: N/A Federal: N/A

Local agency's general purpose funds: N/A

Other nonlocal agency funds: N/A

Fee authority to offset costs: reimbursement (consolidated elections)-FY 19/20 \$21,546

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: Elections Code 2170(d)(1) as amended by Senate Bill 72 § 1.5, Ch. 565, Stats. of 2019

Activity: Additional CVR ballot processing due to availability of CVR at all satellite offices of the local elections official as well as at every polling place in the county

Initial FY: 19 - 20 Cost: \$10,773 Following FY: 20 - 21 Cost: N/A

Evidence (if required): Declarations of L. Michael Vu, Liliana Lau, and Cynthia Paes

All dedicated funding sources; State: N/A Federal: N/A

Local agency's general purpose funds: N/A

Other nonlocal agency funds: N/A

Fee authority to offset costs: reimbursement (consolidated elections)-FY 19/20 \$2,403

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: Elections Code 2170(d)(1) as amended by Senate Bill 72 § 1.5, Ch. 565, Stats. of 2019

Activity: Supplies - purchase new CVR envelopes for satellite offices and polling places

Initial FY: 19 - 20 Cost: \$91,476 Following FY: 20 - 21 Cost: N/A

Evidence (if required): Declarations of L. Michael Vu, Liliana Lau, and Cynthia Paes

All dedicated funding sources; State: N/A Federal: N/A

Local agency's general purpose funds: N/A

Other nonlocal agency funds: N/A

Fee authority to offset costs: reimbursement (consolidated elections)-FY 19/20 \$20,402

Test Claim Form Sections 4-7 WORKSHEET

Complete Worksheets for Each New Activity and Modified Existing Activity Alleged to Be Mandated by the State, and Include the Completed Worksheets With Your Filing.

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: Elections Code 2170(d)(1) as amended by Senate Bill 72 § 1.5, Ch. 565, Stats. of 2019

Activity: Establish 4 new satellite locations for March 2020 election

Initial FY: 19 - 20 Cost: \$236,287 Following FY: 20 - 21 Cost: N/A

Evidence (if required): Declarations of L. Michael Vu and Liliana Lau

All dedicated funding sources; State: AB1824-epoll books Federal: HAVA-epoll books only

Local agency's general purpose funds: N/A

Other nonlocal agency funds: N/A

Fee authority to offset costs: reimbursement (consolidated elections)-FY 19/20 \$52,698

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: _____

Activity: _____

Initial FY: _____ - _____ Cost: _____ Following FY: _____ - _____ Cost: _____

Evidence (if required): _____

All dedicated funding sources; State: _____ Federal: _____

Local agency's general purpose funds: _____

Other nonlocal agency funds: _____

Fee authority to offset costs: _____

Statute, Chapter and Code Section/Executive Order Section, Effective Date, and Register Number: _____

Activity: _____

Initial FY: _____ - _____ Cost: _____ Following FY: _____ - _____ Cost: _____

Evidence (if required): _____

All dedicated funding sources; State: _____ Federal: _____

Local agency's general purpose funds: _____

Other nonlocal agency funds: _____

Fee authority to offset costs: _____

SECTION 5

COUNTY OF SAN DIEGO TEST CLAIM

EXTENDED CONDITIONAL VOTER REGISTRATION

Elections Code section 2170, as amended by
Senate Bill 72, Chapter 565, Statutes of 2019

SECTION 5. WRITTEN NARRATIVE
COUNTY OF SAN DIEGO TEST CLAIM
EXTENDED CONDITIONAL VOTER REGISTRATION

Elections Code section 2170, as amended by
Senate Bill 72, Chapter 565, Statutes of 2019

I. STATEMENT OF THE TEST CLAIM

Until recent years, the general rule in California was that a potential voter had to register to vote at least 15 days prior to an election. *See* Cal. Elec. Code 2102(a).

In 2012, the Legislature enacted Section 2170 of the Elections Code, which provided for a conditional voter registration (“CVR”) process also known as “same day registration.” Stats. 2012, ch. 497 (“AB 1436”), § 2, adding Elec. Code § 2170.^{1 2} This new process allowed (and still allows) potential voters to register conditionally within the 14 days before election day and/or on election day. AB 1436 § 2³; *see generally* Cal. Elec. Code § 2170. That conditional registration is then subject to later validation of the registration by the elections official. *Id.*; *see gen.* Cal Elec. Code § 2171. Potential voters who register conditionally can vote provisionally with a “CVR provisional ballot.” Cal. Elec. Code § 2170(b); Cal. Code Regs. tit. 2, § 20021(c); *see also* Cal. Elec. Code §§ 14310, 14311. These voters are known as “CVR voters.” Cal. Code Regs. tit. 2, § 20021(b).

¹ Exhibit A.

² Section 2170 was enacted in 2012 but expressly was not operative until the January 1 following the certification of the statewide voter registration database required to implement CVR processes. *See* AB 1436 § 6. The Secretary of State certified the VoteCal Statewide Voter Registration Database in 2016; therefore, the CVR process was available to elections officials as of January 1, 2017. *See* Exhibit B (Secretary of State News Release, also available at <https://www.sos.ca.gov/administration/news-releases-and-advisories/2016-news-releases-and-advisories/secretary-state-padilla-certifies-votecal-statewide-voter-registration-database>) at 2 (“Beginning in 2017, elections officials will offer Californians the opportunity to register to vote on Election Day in their county office.”) *See also* Exhibit C (County Clerks/Registrar of Voters (CC/ROV) Memorandum #17007, also available at <https://elections.cdn.sos.ca.gov/ccrov/pdf/2017/january/17007jl.pdf>) at p. 1 (“VoteCal was certified on September 26, 2016, therefore CVR became operative January 1, 2017”). Thus the CVR process was not utilized in a statewide election until the next statewide election after VoteCal was certified, which was in 2018.

³ Exhibit A.

CVR allows a potential voter to conduct the following registration activities: (1) register to vote for the first time, (2) re-register to vote in the same county (for example, with a different street address or party affiliation)⁴, or (3) re-register to vote in a different county. *Id.*

Section 2170 is not limited to certain types of elections but applies generally to “an election” that is conducted by the county elections official. Cal. Elec. Code § 2170(a). The definition of “election” in the Elections Code is “any election including a primary that is provided for under this code.” Cal. Elec. Code § 318.

When Section 2170 was enacted in 2012, the elections official was only required to offer CVR at one location: permanent offices of the county elections official. AB 1436, § 2, adding Elec. Code § 2170(d)(1).⁵ Additionally, the elections official was optionally allowed to offer CVR at satellite offices of the county elections office, but only on election day. AB 1436 § 2, adding Elec. Code § 2170(e).⁶ Satellite offices are extensions of the office of the county elections official for voting purposes. Cal. Elec. Code 3018(b); *see also* Cal. Code Regs. tit. 2, § 20021(b)(2), (d).

Section 2170 was amended in 2015 to additionally allow for (but not require) CVR at satellite offices during the 14-day period preceding election day. Stats. 2015, ch. 734, § 2, amending Elec. Code § 2170(e) (SB 439);⁷ *see also* Cal. Code Regs. tit. 2, § 20023(c).

Section 2170 was again amended in 2019. The first amendment, which is not relevant to this test claim, allowed for conditional voter registrants to receive a nonprovisional ballot under specified circumstances. Stats. 2019, ch. 99, § 1 (AB 693).⁸

The second amendment, implemented by Senate Bill 72 (“SB 72”), contained the mandate that is the subject of the test claim. SB 72 amended Section 2170(d)(1) to—for the first time—**require** that CVR be offered at satellite offices of the elections official and polling places in the county. Stats. 2019, ch. 565, § 1.5, amending Elec. Code § 2170(d)(1) (hereinafter, “SB 72”)⁹; *see also* County Clerks/Registrar of Voters

⁴ In February 2020, the Elections Code was amended to add an option for voters to change their address or party affiliation with a different form. Stats. 2020, ch. 1, §§ 1, 2, adding Elec. Code § 2119.5 and amending § 2152.

⁵ Exhibit A.

⁶ *Id.*

⁷ Exhibit D.

⁸ Exhibit E.

⁹ Exhibit F.

(CC/ROV) Memorandum #19125 (“CCROV # 19125”) (summarizing changes to Section 2170 implemented by SB 72).¹⁰

This requirement does not apply to counties that have implemented the Voter’s Choice Act (the “vote center model”) outlined in Section 4005 *et seq.* of the Elections Code. *See* SB 72 § 1.5, adding Elec. Code 2170(e)(4).¹¹

The Legislature made a non-substantive change to Section 2170 in an omnibus maintenance bill, SB 1371, effective January 1, 2021.¹² This amendment only corrected a citation error and does not impact this test claim.

II. NEWLY-MANDATED ACTIVITIES

Prior to SB 72’s amendment to Section 2170(d)(1), CVR was required to be offered only at the county elections office during the 14-day period prior to the election and on election day. It was merely optional at satellite offices during the 14-day period prior to the election and on election day. It was neither optional nor required at polling places during the 14-day period prior to the election and on election day.

SB 72’s amendment to Section 2170(d)(1) required that (1) CVR be offered at any satellite offices of the elections official and (2) CVR be offered at all polling places in the county, during the 14-day period prior to the election and on election day. SB 72¹³; *see* CCROV # 19125.¹⁴

This new mandate is the subject of this test claim. This new mandate was added by Stats. 2019, ch. 565, § 1.5 (SB 72), and codified as Section 2170(d)(1) of the Elections Code, which added the words in bold below:

(d) The county elections official shall offer conditional voter registration and voting pursuant to this article, in accordance with all of the following procedures:

(1) The elections official shall provide conditional voter registration and voting pursuant to this article at all permanent **and satellite**

¹⁰ Exhibit G, also available at <https://elections.cdn.sos.ca.gov/ccrov/pdf/2019/november/19125rd.pdf>

¹¹ Exhibit F.

¹² Exhibit H (relevant excerpts of SB 1327) (adding the word “Sec.” to the citation in Section 2170(f)(1)).

¹³ Exhibit F.

¹⁴ Exhibit G.

offices of the county elections official **and all polling places** in the county.

Cal. Elec. Code § 2170(d)(1) (emphasis added).¹⁵

As a practical matter, because polling places are only open on election day in the County of San Diego, this meant the Registrar had to offer CVR at all satellite offices during the 14-day period prior to the election, and both at all satellite offices and all polling places on election day. (The November 2020 election was unusual because polling places were open for 4 days total due to changes in the election due to the COVID-19 pandemic, as discussed below, and therefore CVR had to be offered at polling places on all four of those days.)

This mandate was new.

A. SB 72 Created a New Program or Higher Level of Service

A statute creates a “program” when it creates: “[1] programs that carry out the governmental function of providing services to the public, or [2] laws which, to implement a state policy, impose unique requirements on local governments and do not apply generally to all residents and entities in the state.” *County of Los Angeles v. State of California*, 43 Cal. 3d 46, 56 (1987). A program is “new” if the local governmental entity had not previously been required to institute it.” *County of Los Angeles v. Comm’n on State Mandates*, 110 Cal. App. 4th 1176, 1189 (2003).

A “higher level of service” means an “increase[] in the services provided by local agencies in existing ‘programs.’” *County of Los Angeles*, 43 Cal. 3d at 56. A higher level of service exists when: (i) the requirements [in the law] are new in comparison with the preexisting scheme in view of the circumstance that they did not exist prior to the enactment of [the law]; and (ii) the requirements were intended to provide an enhanced service to the public....” *San Diego Unified Sch. Dist. v. Comm’n on State Mandates*, 33 Cal. 4th 859, 878 (2004).

The purpose of the constitutional provision requiring reimbursement to local governments for a new program or higher level of service is to prevent “transferring to [local] agencies the fiscal responsibility for providing services which the state believed should be extended to the public.” *County of Los Angeles*, 43 Cal. 3d at 56-57.

¹⁵ Exhibit I; *see* Exhibit F.

The test claim statute meets both alternate definitions of a “program.” The amendment of Stats. 2019, ch. 565, § 1.5 to Section 2170(d)(1) carries out the governmental function of providing services to the public—i.e., allowing voters to register to vote for the first time or re-register to vote just before (or on) election day so that they can vote in that election.

The author of SB 72 stated that he proposed the bill to provide various public services related to voting, including: 1) increased voter turnout, 2) elimination of arbitrary deadlines to register when voters are most interested in voting, 3) remedying inaccurate voter rolls, 4) assisting geographically mobile, lower-income citizens, young voters, and voters of color, and 5) allowing voters registered as “no party preference” who are unable to vote in the primary election for certain parties to change their registrations shortly before the primary election so that they can vote in those primary elections. Sen. Comm. on Elections and Constitutional Amendments (April 2, 2019), Background to SB 72, pp. 6-7.¹⁶ The author noted that even though CVR was already available on election day at the election officials’ offices, as a practical matter very few potential voters took advantage of that limited option, and “those who were able to make the trip to their county elections office waited hours in line in order to register and cast a ballot.” *Id.* at p. 8.¹⁷ Thus the amendment to Section 2170(d)(1) was proposed and enacted in order to expand voter services and voting, which is a traditional governmental function and service.

The amendment to Section 2170(d)(1) also imposes requirements unique to local governments. Neither the state, private citizens, nor private employers are required to provide conditional voter registration, but only the “county elections official.” *See* Elec. Code § 2170(d)(1).¹⁸

As noted above, the program created by the statute is “new.” Prior to SB 72 amending Section 2170(d)(1), CVR was required only at the county elections office. After the amendment, CVR was required to be offered at any satellite offices of the elections official and all polling places in the county. SB 72¹⁹; *see* CCROV # 19125.²⁰

¹⁶ Exhibit J, also available at http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200SB72.

¹⁷ *Id.*

¹⁸ Exhibit I; *see* Exhibit F.

¹⁹ Exhibit F.

²⁰ Exhibit G.

Alternatively, the statute imposes a “higher level of service” on local governments because elections officials must extend an additional service—CVR at satellite offices and polling places—in addition to offering CVR at the permanent office of the elections official. *See San Diego Unified Sch. Dist.*, 33 Cal. 4th at 878.

B. Mandated Activities and Costs Incurred in FY 19/20

Actual and/or estimated costs to comply with the new mandate in Section 2170(d)(1) (as amended by SB 72) that the elections official offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and to offer CVR at both satellite offices and polling places on election day exceed one thousand dollars (\$1,000). Declaration of Liliana Lau (“Lau Declaration”), ¶¶ 6-8, 11.²¹

1. Background

As background, Claimant’s Registrar of Voters (the “Registrar”) first implemented CVR processes during the June 2018 gubernatorial primary election. *See* n. 1, *supra*, describing timeline for implementation of CVR due to VoteCal certification in 2016; Declaration of L. Michael Vu (“Vu Declaration”), ¶ 7.²² The voter turnout for that election in the County of San Diego was only 39.8%. Vu Declaration ¶ 8. Thus the first election in which CVR was widely utilized by potential voters was the November 6, 2018 gubernatorial general election. *Id.* ¶ 9.

At the November 6, 2018 election, the Registrar only offered CVR at its one permanent office and did not have satellite locations. There was a 66.42% voter turnout for that election. During that election, 2,353 individuals exercised conditional voter registration. Of this number, 1,555 individuals did so on election day. On election day, a line wrapped around the Registrar’s building equal to the length of over 5 football fields. Although the polls closed at 8:00 p.m., the last potential voter who had been standing in line since the polls closed entered the building at around midnight. This potential voter registered by CVR. The last voter left the building at approximately 1:00 a.m. on November 7, 2018. Vu Declaration ¶¶ 9, 10; *id.* Ex. 1.

As of February 2019, there were 2,229,766 individuals eligible to vote in the County of San Diego and only 1,747,383 registered voters. Thus at that time, there were over 480,000 individuals who had not registered to vote but could potentially opt to do so by CVR. This was in addition to voters who needed to or would choose to re-register to vote by CVR. Vu Declaration ¶ 11; *id.* Ex. 2.

²¹ Included within Section 6 of this Test Claim.

²² Included within Section 6 of this Test Claim.

After SB 72’s amendment to Section 2170(d)(1), which mandated that county elections officials offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and to offer CVR at both satellite offices and polling places on election day, there was a very real possibility that polling places would be overwhelmed with the same long lines and wait times experienced at the Registrar’s permanent location in November 2018. Further, the March 2020 election was a presidential primary, and in 2016 the primary had significant voter turnout of 50.94%. Vu Declaration ¶ 12; *id.* Ex. 1.

An additional new complication for the March 2020 election was the many variations of ballots that must be available for the presidential primary (which was not the case for the gubernatorial general election in November 2018, when CVR was first implemented). California has a “modified” closed primary system for presidential elections, meaning each voter is only entitled to vote in the primary for that voter’s party, unless the voter is No Party Preference and a party allows a No Party Preference voter to participate in its primary. Cal. Elec. Code § 2151(c). The Registrar must make available a ballot style for each party, as well as additional variations for No Party Preference if a party allows No Party Preference voters to vote in their primary election. Cal. Elec. Code § 13102(b). Accordingly, the Registrar had to make available at the polls eight different styles of ballots (for eight variations: American Independent, Democratic, Green, Libertarian, No Party Preference, No Party Preference requesting to vote in the Democratic primary, Peace & Freedom, and Republican) in five different languages (English, Spanish, Filipino, Vietnamese, and Chinese, pursuant to Voting Rights Act requirements), for a total of 40 variations of ballots. Vu Declaration ¶ 13.

This requirement made the March 2020 election administratively complex. That complexity was compounded by the new requirement to offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and to offer CVR at both satellite offices and polling places on election day, which was mandated by SB 72’s amendment to Section 2170(d)(1) adding the words “and satellite [offices of the county elections official]” and “all polling places” to the locations where the elections official is required to offer CVR during the 14-day period prior to the election and on election day. The Registrar’s office anticipated this complexity would be particularly acute for poll workers who would actually be interacting with voters on election day. Vu Declaration ¶ 13.

Thus it was reasonably necessary for the Registrar to create additional locations at which potential voters could register through CVR—specifically, satellite offices of the

Registrar’s permanent office.²³ This was necessary to endeavor to avoid even longer lines and wait times than voters experienced in the November 2018 election, and it was necessary to keep that traffic away from the traditional polling places. The Registrar also engaged in an extensive outreach campaign to encourage eligible individuals to register to vote earlier to avoid such lines. Vu Declaration ¶¶ 14-17.

During the March 2020 election, 13,452 individuals registered or re-registered to vote using CVR. Vu Declaration ¶ 18.

2. March 2020 Election

As described above, the Registrar created four satellite locations in March 2020 to address the anticipated CVR traffic in light of SB 72’s amendments to Section 2170(d)(1) requiring CVR to be offered at any satellite offices of the elections official during the 14-day period prior to the election, and to offer CVR at both satellite offices and polling places on election day. These locations were open from February 29, 2020 through March 2, 2020 from 8:00 a.m. through 5:00 p.m., and on March 3, 2020 from 7:00 a.m. through 8:00 p.m. Vu Declaration ¶ 15.

Additionally, there were 1,548 polling places for this election. *Id.*

Elections Code section 2170(d)(1), as amended by Senate Bill 72, Chapter 565, Statutes of 2019, § 1.5, required Claimant to conduct the following new activities and incur the following new costs for the March 2020 election, as set forth in the attached Declaration of L. Michael Vu, paragraph 19, and the attached Declaration of Liliana Lau, paragraphs 6-10:

a. Additional Registrar of Voters Staffing Costs

Elections Code section 2170(d)(1), as amended by Senate Bill 72, Chapter 565, Statutes of 2019, § 1.5, added the requirement that the elections official offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and

²³ Claimant includes this information about the creation of four satellite locations in March 2020 as background and intends to seek corresponding costs should this test claim be approved. The Commission on State Mandates indicated in its January 21, 2021 Notice of Incomplete Test Claim on this matter that: “It is premature to request reasonably necessary activities prior to the finding of a state-mandated program. However, such a request may be included in the test claim filing but could not be approved in the test claim which is restricted to findings of state-mandated programs. Rather, the request would need to be reasserted at the parameters and guidelines phase and supported with substantial evidence in the record at that time, which may include a citation to evidence in the record for the Test Claim.”

to offer CVR at both satellite offices and polling places on election day. This would be impossible to accomplish without planning and preparation. Accordingly, pursuant to this new requirement, staff at the Registrar's office met and collaborated for months to design and develop the necessary envelopes and training and create the necessary workflows. The Registrar was also required to hire additional temporary staff to do data entry and process the anticipated increase in conditional voter registrations and CVR provisional ballots. Vu Declaration ¶ 19(a).

i. Costs Incurred

The County incurred costs of \$29,019 to plan and prepare to offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and to offer CVR at both satellite offices and polling places on election day. These costs included costs for designing and developing necessary envelopes and workflows. Lau Declaration ¶ 6(a).

The County incurred costs of \$123,965 for additional Registrar staff to handle data entry and processing of the additional increase in CVR registrations and ballots. Lau Declaration ¶ 6(a).

ii. Fee Authority

Claimant is unaware of any state, federal or other nonlocal agency funding sources for this newly-mandated activity. However, Claimant can recover some of the costs of administering elections from the jurisdictions whose elections were consolidated with the primary and general elections. Lau Declaration ¶ 9.

The costs of internal planning and preparation, however, could not be recovered from the other jurisdictions.

The additional costs of handling data entry and processing of the additional increase in CVR registrations and ballots could be recovered from other jurisdictions. The County could request \$27,648 of its staffing costs to process the additional increase in CVR registrations and ballots. Lau Declaration ¶ 6(a).

Thus the County's reimbursable cost for additional staffing is **\$125,336**.

b. Training

Statutes 2019, ch. 565, § 1.5, added the requirement to Section 2170(d)(1) of the Elections Code that the elections official offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and to offer CVR at both

satellite offices and polling places on election day. This would be impossible to accomplish without training poll workers to handle CVR and editing the training handbook to describe how to handle CVR. Accordingly, pursuant to this new requirement, the Registrar's Training Department was required to create a new training plan for poll workers to process CVR at polling locations. New CVR processes were required to be included in the poll worker handbook, and poll workers were required to be trained on the new processes. Vu Declaration ¶ 6(b).

i. Costs Incurred

The County incurred costs of **\$32,166** to create a new training plan, and labor costs for the actual training of poll workers to handle CVR voters at poll sites. Lau Declaration ¶ 6(b).

ii. Fee Authority

Claimant is unaware of any state, federal or other nonlocal agency funding sources for this newly-mandated activity. However, Claimant can recover some of the costs of administering elections from the jurisdictions whose elections were consolidated with the primary and general elections. Lau Declaration ¶ 9.

The County recovered \$7,174 from the other jurisdictions for this activity. Thus Claimant's reimbursable cost is **\$24,992**. Lau Declaration ¶ 6(b).

c. Election Staffing

Statutes 2019, ch. 565, § 1.5, added the requirement to Section 2170(d)(1) of the Elections Code that the elections official offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and to offer CVR at both satellite offices and polling places on election day. The author of SB 72 expressly contemplated the bill would increase voter turnout.²⁴ The Registrar thus was required to recruit and hire additional temporary staff and poll workers in order to handle the anticipated increase in voters due to the new availability of CVR and the resulting increase in CVR provisional voting. Vu Declaration ¶ 19(c).

i. Costs Incurred

The County incurred costs of **\$96,608** to recruit and hire additional temporary staff and poll workers in order to handle the anticipated increase in voters due to the new

²⁴ Exhibit J at 4, 6, 8.

availability of CVR at poll sites, and the resulting increase in CVR provisional voting. Lau Declaration ¶ 6(c).

ii. Fee Authority

Claimant is unaware of any state, federal or other nonlocal agency funding sources for this newly-mandated activity. However, Claimant can recover some of the costs of administering elections from the jurisdictions whose elections were consolidated with the primary and general elections. Lau Declaration ¶ 9.

The County recovered \$21,546 from the other jurisdictions for this activity. Thus Claimant's reimbursable cost is **\$75,062**. Lau Declaration ¶ 6(c).

d. CVR Ballot Processing

Statutes 2019, ch. 565, § 1.5, added the requirement to Section 2170(d)(1) of the Elections Code that the elections official offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and to offer CVR at both satellite offices and polling places on election day. As a direct result of this new requirement, the number of CVR voted ballots increased. The Registrar was required to process and sort the CVR ballots using automated processing equipment because CVR was more widely available. Vu Declaration ¶ 10(d).

i. Costs Incurred

The County incurred costs of **\$10,773** to process and sort CVR envelopes by electronic vote processing equipment. Lau Declaration ¶ 6(d).

ii. Fee Authority

Claimant is unaware of any state, federal or other nonlocal agency funding sources for this newly-mandated activity. However, Claimant can recover some of the costs of administering elections from the jurisdictions whose elections were consolidated with the primary and general elections. Lau Declaration ¶ 9.

The County recovered \$2,403 from the other jurisdictions for this activity. Thus Claimant's reimbursable cost is **\$8,370**. Lau Declaration ¶ 6(d).

e. Supplies

Statutes 2019, ch. 565, § 1.5, added the requirement to Section 2170(d)(1) of the Elections Code that the elections official offer CVR at any satellite offices of the

elections official during the 14-day period prior to the election, and to offer CVR at both satellite offices and polling places on election day. As a direct result of this new requirement, the Registrar's office was required to purchase new conditional voter registration envelopes for both polling and satellite locations.

These envelopes were not necessary prior to the March 2020 election because prior to that election, CVR was only required to be offered at the Registrar's office. Once CVR was required to be offered at any satellite offices of the elections official during the 14-day period prior to the election, and at both satellite offices and polling places on election day, pursuant to SB 72's amendment to Section 2170(d)(1), the Registrar's office needed new conditional voter registration envelopes so that CVR provisional ballots could be segregated at the polling places and satellite offices.

This new envelope served as the affidavit of registration for CVR voters at all permanent and satellite offices of the county elections official and all polling places in the County. These separate envelopes allowed the CVR ballots to be processed apart from other ballots at the Registrar's office. The Registrar's office could use the envelopes to create a new voter record in the main voter database, and the Registrar's office could then verify that voter information was accurate and that the CVR voter was allowed to vote. Vu Declaration ¶ 19(e).

i. Costs Incurred

The County incurred costs of **\$91,476** to purchase new conditional voter registration envelopes at polling and satellite locations. Lau Declaration ¶ 6(e).

ii. Fee Authority

Claimant is unaware of any state, federal or other nonlocal agency funding sources for this newly-mandated activity. However, Claimant can recover some of the costs of administering elections from the jurisdictions whose elections were consolidated with the primary and general elections. Lau Declaration ¶ 9.

The County recovered \$20,402 from the other jurisdictions for this activity. Thus Claimant's reimbursable cost is **\$71,074**. Lau Declaration ¶ 6(e).

f. The Creation of Four Satellite Locations

As explained above in Section II.B.1, because Statutes 2019, ch. 565, § 1.5, added the requirement to Section 2170(d)(1) of the Elections Code that the elections official offer CVR at any satellite offices of the elections official during the 14-day period prior

to the election, and to offer CVR at both satellite offices and polling places on election day, it was reasonably necessary for the Registrar to create 4 satellite locations to endeavor to divert potential traffic from the polling places and to decrease the potential of long lines and wait times, which would be daunting to potential voters.²⁵ Vu Declaration ¶¶ 9-15. The Registrar incurred costs for labor to staff the satellite locations and supplies to conduct the election at the satellite locations. The labor costs included staff to set up and manage the satellite locations, as well as costs for training staff to be able to run the satellite locations independently. The services and supplies costs included signage, contracted labor, office supplies, generators to power ballot marking devices and additional lighting. Vu Declaration ¶ 16.

i. Costs Incurred

The costs for opening and operating the four satellite locations in March 2020 was \$236,287, as follows:

Labor (staff to set up and manage the satellite locations, as well as costs for training staff to be able to run the satellite locations independently)	\$169,141
Supplies (signage, contracted labor, office supplies, generators to power ballot marking devices and additional lighting)	\$67,146
Total without Reimbursement	\$236,287
Reimbursement by other jurisdictions whose elections were consolidated with the March 2020 election	\$52,698
Total with Reimbursement	\$183,589

Lau Declaration ¶ 8.

The Registrar also purchased electronic poll books for each satellite location, but the cost of doing so (approximately \$243,740) was fully reimbursed by funds allocated to

²⁵ See n. 23, *supra*.

the County by Help America Vote Act of 2002 (“HAVA”) and AB 1824. Lau Declaration ¶ 8.

ii. Fee Authority

Claimant is unaware of any state, federal or other nonlocal agency funding sources to open the four satellite offices. However, Claimant can recover some of the costs of administering elections from the jurisdictions whose elections were consolidated with the primary and general elections. Lau Declaration ¶ 9.

The County recovered \$52,698 from the other jurisdictions for this activity of opening and operating the satellite locations. Thus Claimant’s reimbursable cost is **\$183,589**. Lau Declaration ¶ 8.

III. ESTIMATE OF COSTS IN FY 20/21 AND FEE AUTHORITY

A. Claimant’s Estimated Costs to be Incurred During FY 2020-2021

This fiscal period encompasses the November 2020 election and any elections in early 2021.

1. November 2020 Election

Due to the COVID-19 pandemic, there were unprecedented changes to the conduct of elections. Pursuant to executive orders and new legislation, during the November 2020 election, elections officials were required to send every registered voter a vote-by-mail ballot. Cal. Elec. Code § 1602; 2019 CA EO 64-20²⁶; *see also* County Clerks/Registrar of Voters (CC/ROV) Memorandum #20232 (“CCROV 20232”).²⁷ Counties also had five different options as to how they would conduct their elections: vote center model, traditional polling place method, consolidated polling places with additional days to vote (with two sub-options of voters being assigned to a polling place or not), or an all-mail ballot election.²⁸ Counties across the state altered their election models.

However, none of these large-scale changes impacted the counties’ obligations set forth in the new language of Section 2170(d)(1), added by Statutes 2019, ch. 565, § 1.5, that the elections official offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and to offer CVR at both satellite offices and

²⁶ Exhibit K.

²⁷ Exhibit L.

²⁸ *Id.*

polling places on election day. Any counties offering voting at traditional polling places, and any counties with satellite offices of the elections official, were still required to meet this new requirement of Section 2170(d)(1).

Claimant conducted the November 2020 election using the “consolidated polling place/voters assigned to specific location” method described in CCROV 20232. Vu Declaration ¶ 20. Accordingly, in-person voting was available at 1 in-person voting location (the election official’s permanent office) for 29 days, as well as at 235 consolidated polling places for 4 full days. Claimant had no satellite offices during the November 2020 election. *Id.* ¶ 21.

Thus while the activities newly mandated by Section 2170(d)(1) (as amended by Statutes 2019, ch. 565, § 1.5) remained the same as the March 2020 election, Claimant’s costs to conduct the mandated activities in November 2020 lessened in some respects from March 2020. Some activities did not need to be undertaken again. For example, the Registrar’s office did not need to write new training materials in order to train poll workers to handle CVR. Additionally, there were no satellite locations and fewer polling places than March 2020 and thus fewer poll workers to train. The Registrar also used electronic polling books during the November 2020 election, which streamlined the CVR process, and more individuals registered prior to the 15-day close of registration, which is typical for presidential general elections. Vu Declaration ¶ 22.

i. Costs Incurred

During the November 2020 election, the County incurred increased costs of \$144,829 in Registrar of Voters staffing costs to handle the anticipated increase in voters due to the availability of CVR at polling places and to process the additional CVR voters. Lau Declaration ¶ 10-11, 16.

The County also incurred increased costs of \$46,325 in increased training costs to train poll workers to handle CVR at polling places. Lau Declaration ¶ 10-11, 16. The total increased costs to the County during the November 2020 election due to the changes to Section 2170(d)(1) (as amended by Statutes 2019, ch. 565, § 1.5) were **\$191,154**.

ii. Fee Authority

Claimant is unaware of any state, federal, or other nonlocal agency funding sources that specifically address the mandate to offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and to offer CVR at both satellite offices and polling places on election day, as set forth in Section 2170(d)(1) (as

amended by Statutes 2019, ch. 565, § 1.5), or that specifically address the costs of offering CVR during the November 2020 election. Lau Declaration ¶ 12.

Claimant anticipates recovering from other jurisdictions some of its increased costs to implement the mandate in November 2020, but Claimant only has estimated amounts available at this time. Lau Declaration ¶ 12.

With regard to additional staffing costs, Claimant estimates that \$51,031 of that might be recoverable from other jurisdictions, with a total of **\$93,798** incurred by the County for additional staffing. With regard to additional training costs, Claimant estimates that \$16,323 of that amount might be recoverable from other jurisdictions, with a total of **\$30,002** incurred by the County for training. This equals an estimated **\$123,800** in total additional costs incurred by the County (after estimated reimbursement) for the November 2020 election due to SB 72's amendment to Section 2170(d)(1). Lau Declaration ¶ 11.

In addition, Claimant will receive federal funds pursuant to HAVA (as administered by the State) to defray the increased costs of conducting the November 2020 election during the COVID-19 pandemic, which will potentially cover some increased labor costs as described above. Claimant does not yet know what amount it will receive for the mandated activities, but Claimant would subtract any reimbursement received from any other sources before submitting a claim to the Controller arising from the mandates process. Lau Declaration ¶ 12.

2. April and June 2021 Special Elections

Claimant will administer one special primary election and one special general election in Fiscal Year 2020-21 to fill the current vacancy in Assembly District 79. These elections are scheduled for April 6, 2021 and June 8, 2021, respectively. Paes Declaration ¶ 4.²⁹

The County will not have satellite locations available for these two elections. Paes Declaration ¶ 6. As of the date of this test claim, the County anticipates having approximately 51 polling places open on election day. *Id.* The Registrar is required to offer CVR at all of the polling places pursuant to Section 2170(d)(1) (as amended by Statutes 2019, ch. 565, § 1.5). In order to do so, the Registrar will incur increased costs that it would not have incurred without SB 72's amendment to Section 2170(d)(1). Specifically, the Registrar will incur: (1) additional Registrar staffing costs to process the

²⁹ Included within Section 6 of this Test Claim.

increase in CVR voters due to the availability of CVR at polling places, and (2) additional costs to train poll workers to offer CVR at polling places. Paes Declaration ¶ 7.

The additional increased cost for this additional labor and training is \$54,886 for labor and \$5,468 for training, or \$60,354 total. Lau Declaration ¶ 14, 16. Because these elections are not consolidated with other jurisdictions' elections, the County cannot request reimbursement from other jurisdictions. *Id.* ¶ 14.

B. Statewide Estimate for FY 2020-2021

A statewide estimate for this fiscal year for this particular test claim is difficult. As of November 2020, 15 counties had begun conducting elections under the Voter's Choice Act (the "vote center model"). See "About California's Voter's Choice Act," available on the Secretary of State website at <https://www.sos.ca.gov/elections/voters-choice-act/about-vca> (last accessed December 21, 2020) at p. 4.³⁰ As noted above, SB 72 does not apply to those counties.

With regard to the remaining 43 counties, each county's costs to implement the requirements of Section 2170(d)(1) (as amended by Statutes 2019, ch. 565, § 1.5) during this fiscal year will vary widely based on factors such as which voting model the counties used in the November 2020 election and the number of eligible unregistered voters in the county (which may impact the amount of supplies purchased and number of additional staff hired).

As seen in the legislative history to SB 72, the Assembly Appropriations Committee (the "Committee") acknowledged that the costs to implement the bill were unknown but proposed this methodology to calculate an estimate:

Actual costs to expand the conditional voter registration program to all non-VCA county satellite offices and polling places are unknown, however, assuming there are nine VCA counties, if every county incurred expenses of only \$3,500, the total costs would be approximately \$150,000 at each election, which would be reimbursed from the General Fund.

Assembly Comm. on Appropriations (August 21, 2019), Fiscal Effect.³¹

Multiplying this \$3,500 figure proposed by the Committee by the 42 counties that did not implement the vote center model in November 2020 (other than Claimant) yields

³⁰ Exhibit M.

³¹ Exhibit N.

\$147,000 for the November 2020 election. This amount plus Claimant’s estimated costs for the November 2020 election after estimated reimbursement from other jurisdictions (\$123,800) equals \$270,800.

Adding to that total Claimant’s estimated costs for the upcoming April and June 2021 special elections described above (\$60,354) equals \$331,154 total estimated costs to the Claimant in FY 2020-21.

In addition, various counties that did not yet implement the vote center model have additional elections scheduled for the spring and summer of 2021: Marin (2 additional elections), Riverside (1 additional election), Santa Cruz (1 additional election), Solana (1 additional election), Sonoma (2 additional elections), Ventura (1 additional election). See “2021 County Administered Elections,” available on the Secretary of State website at <https://www.sos.ca.gov/elections/upcoming-elections/county-administered-elections> (last accessed February 19, 2021).³² Multiplying the \$3,500 figure by these 8 additional elections equals \$28,000.³³ Therefore, using the \$3,500 figure from the Assembly Appropriations Committee, the statewide estimate would be \$331,154 - 359,153.

In reality, the costs incurred by counties other than Claimant appear to be greater than the Committee’s \$3,500 estimate. Claimant received information that the following counties incurred the following costs related to implementation of conditional voter registration.³⁴

County	Election	Amount
Placer County	November 2020	\$14,050.65
Stanislaus County	November 2019 (UDEL)	\$12,853.31
Stanislaus County	March 2020	\$1,080.38

If the 42 counties that did not implement the vote center model incurred similar costs to Claimant and/or the counties above, then the estimate would be higher. Taking the average of the costs incurred by the three counties above (\$9,328.11) and multiplying that by 42 yields \$391,780.62.

Thus Claimant estimates the statewide estimate at \$331,154 – 722,934.

³² Exhibit O.

³³ The full details of these elections are currently unknown to Claimant.

³⁴ Vu Declaration ¶ 22.

C. Fee Authority

Claimant is unaware of any state, federal or other nonlocal agency funding sources that specifically address this mandate.

However, as this Commission discussed in a recently-adjudicated test claim, Claimant can recover some of the costs of administering elections from the jurisdictions whose elections were consolidated with the primary and general elections. Statement of Decision, *Vote by Mail Ballots: Prepaid Postage*, 19-TC-01, page 5 n. 20 (citing Elections Code §§ 10002, 10517, 10520, and Education Code § 5227).

As indicated above, for the March 2020 election, Claimant recovered from other jurisdictions \$104,223 of its increased costs to implement the mandate because Claimant bills other jurisdictions whose elections were consolidated with that election for their percentage share of administering the election. Lau Declaration ¶¶ 7, 8. In addition, Claimant received \$243,740 in reimbursement from the Help America Vote Act of 2002 (“HAVA”), and Assembly Bill 1824, and these funds covered the cost of purchasing electronic poll books for the 4 satellite offices. Lau Declaration ¶ 8. (These costs for the electronic poll books were not included in the figures above.)

As also indicated above, for the November 2020 election, Claimant anticipates recovering from other jurisdictions some of its increased costs to implement the mandate, but Claimant only has estimated amounts available at this time. Lau Declaration ¶ 12. With regard to additional staffing costs, Claimant estimates that \$51,031 of that might be recoverable from other jurisdictions. With regard to additional training costs, Claimant estimates that \$16,323 of that amount might be recoverable from other jurisdictions. Lau Declaration ¶ 11. In addition, Claimant will receive federal funds pursuant to HAVA (as administered by the State) to defray the increased costs of conducting the November 2020 election during the COVID-19 pandemic, which will potentially include some of the increased labor costs as described above. Lau Declaration ¶ 12. Claimant does not yet know what amount it will receive, but Claimant would subtract any reimbursement received from other sources from any claims submitted to the Controller arising from the mandates process. *Id.*

IV. RELEVANT PRIOR MANDATE DETERMINATIONS OR LEGISLATIVELY DETERMINED MANDATE

Although the Commission has not issued prior decisions on Section 2170, the following prior mandates may be related to the alleged mandate because they dealt with elections laws: Absentee Ballots, CSM-3713; Absentee Ballots, Tabulation by Precinct,

00-TC-08; Fifteen Day Close of Voter Registration, 01-TC-15; Permanent Absent Voters I, CSM-4358; Permanent Absent Voters II, 03-TC-11; Voter Identification Procedures, 03-TC-23; Post-Election Manual Tally, 10-TC-08; Vote by Mail Ballots: Prepaid Postage, 19-TC-01; Voter Registration Procedures, 04-LM-04.

Claimant is unaware of any legislatively determined mandate on the same statute.
Vu Declaration ¶ 24.

SECTION 6

COUNTY OF SAN DIEGO TEST CLAIM

EXTENDED CONDITIONAL VOTER REGISTRATION

Elections Code section 2170, as amended by
Senate Bill 72, Chapter 565, Statutes of 2019

DECLARATION OF L. MICHAEL VU IN SUPPORT OF
COUNTY OF SAN DIEGO TEST CLAIM
EXTENDED CONDITIONAL VOTER REGISTRATION

Elections Code section 2170, as amended by
Senate Bill 72, Chapter 565, Statutes of 2019

I, L. Michael Vu, declare as follows:

1. I make this declaration based upon my own personal knowledge and based upon my review of the records referenced herein.

2. If called upon to testify, I could and would competently testify to the matters set forth herein.

3. I am the Assistant Chief Administrative Officer for the County of San Diego (“County”) and have held that position since January 8, 2021. I was the Registrar of Voters for the County from December 2012 to January 7, 2021. Prior to that, I was the Assistant Registrar for the County from April 2007 to December 2012. I also served as Director of the Board of Elections for Cuyahoga County, Ohio, from August 2003 to March 2007, and the Elections Manager at the County Clerk’s Office in Salt Lake County, Utah, from 1998 to 2003.

4. In my former capacity as Registrar of Voters, I managed the operations and workflow of the office of the Registrar of Voters. The Registrar’s office is responsible for overseeing all elections administered by the County, including statewide and federal elections, as well as local elections consolidated with statewide and federal elections. I was personally involved in the planning processes for administering the March 2020 and November 2020 elections.

5. Prior to the March 2020 election, I reviewed Senate Bill 72, Chapter 565, Statutes of 2019 (“SB 72”), which made changes to Section 2170(d)(1) of the Elections Code (“Section 2170(d)(1)”). Specifically, the changes to Section 2170(d)(1) added the words “and satellite [offices of the county elections official]” and “all polling places” to the locations where the elections official is required to offer CVR during the 14-day period prior to the election and on election day. As a practical matter, because polling places are only open on election day, this amendment meant the Registrar had to offer CVR at all satellite offices during the 14-day period prior to the election, and both at all

satellite offices and all polling places on election day. The November 2020 election was unusual because polling places were open for 4 days total, as discussed below, and therefore CVR had to be offered at polling places on all four of those days. In my then-capacity as Registrar, I planned extensively in conjunction with staff at the Registrar's office to prepare for the impact and implementation of these changes. I am knowledgeable about the additional duties and costs imposed on the County due to SB 72's changes to Section 2170(d)(1).

6. I have reviewed the exhibits attached hereto, as well as information generated by the Registrar's office regarding voter turnout in November 2018 and the traffic at the Registrar's permanent location during the November 2018 election. I was personally at the Registrar's permanent location during the November 2018 election until after the last voter left the building around 1:00 a.m.

7. Section 2170 of the Elections Code, which first required elections officials to offer CVR, was enacted in 2012 but not effective until the Secretary of State certified the VoteCal Statewide Voter Registration Database in 2016. Therefore, the County of San Diego first implemented CVR during the June 2018 gubernatorial primary election.

8. The voter turnout for the June 2018 election was 39.8%. Attached as Exhibit 1 is a true and correct copy of a report of Registered Voters and Vote by Mail Ballot Voter Turnout maintained by our office and publicly available at https://www.sdvote.com/content/dam/rov/en/reports/voter_turnouts.pdf

9. The first election in which CVR was widely utilized by potential voters in the County was the November 6, 2018 gubernatorial general election. At that election, the County offered CVR at the Registrar's permanent office (located at 5600 Overland Avenue, San Diego, CA 92123). The County did not implement satellite offices.

10. During the November 6, 2018 election, there was a 66.42% voter turnout. (See Exhibit 1.) During that election, 2,353 individuals exercised CVR. Of this number, 1,555 individuals did so on election day. On election day, a line wrapped around the Registrar's building equal to the length of over 5 football fields. Although the polls closed at 8:00 p.m., the last potential voter who had been standing in line since the polls closed entered the building at around midnight. This potential voter registered by CVR. The last voter left the building at approximately 1:00 a.m. on November 7, 2018.

11. Attached as Exhibit 2 is a true and correct copy of the California Secretary of State's Report of Registration as of February 10, 2019, which is publicly available at <https://elections.cdn.sos.ca.gov/ror/ror-odd-year-2019/county.pdf>. According to this

document, as of February 2019, there were 2,229,766 individuals eligible to vote in the County of San Diego and only 1,747,383 registered voters. That meant there were 482,383 individuals who had not registered to vote but could potentially opt to do so by CVR. This was in addition to voters who needed to or would choose to re-register to vote by CVR.

12. After SB 72's amendment to Section 2170(d)(1), which mandated that county elections officials offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and offer CVR at both satellite offices and polling places on election day, there was a very real possibility that polling places would be overwhelmed with the same long lines and wait times experienced at the Registrar's permanent location in November 2018. Further, the March 2020 election was a presidential primary, and in 2016 the primary had significant voter turnout of 50.94%. (See Exhibit 1.)

13. Additionally, for the March 2020 primary election, the Registrar's office was required to make available at satellite offices and polling places a variety of ballot styles pursuant to California law. (Cal. Elec. Code § 13102.) The Registrar's office was required to make available at the polls eight different styles of ballots (for eight variations: American Independent, Democratic, Green, Libertarian, No Party Preference, No Party Preference requesting to vote in the Democratic primary, Peace & Freedom, and Republican) in five different languages (English, Spanish, Filipino, Vietnamese, and Chinese, pursuant to Voting Rights Act requirements), for a total of 40 variations of ballots. This requirement made the March 2020 election administratively complex. That complexity was compounded by SB 72's amendment to Section 2170(d)(1), which mandated that county elections officials offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and offer CVR at both satellite offices and polling places on election day. The Registrar's office anticipated this complexity would be particularly acute for poll workers who would actually be interacting with voters on election day.

14. In my then-capacity as Registrar, I collaborated with staff at the Registrar's office and determined that because of SB 72's amendment to Section 2170(d)(1), it was necessary during the March 2020 election for the County to create satellite offices of the Registrar's permanent office at which potential voters could register through CVR. This was necessary to avoid even longer line and wait times than voters experienced in the November 2018 election, and it was necessary to keep that traffic away from the traditional polling places.

15. Therefore, the County created four satellite offices for the March 2020 election. These locations were open from February 29, 2020 through March 2, 2020 from 8:00 a.m. through 5:00 p.m., and on March 3, 2020 from 7:00 a.m. through 8:00 p.m. Additionally, there were 1,548 polling places at the March 2020 election.

16. The Registrar's office incurred costs for labor to staff the satellite offices and supplies to conduct the election at the satellite offices. The labor costs included staff to set up and manage the satellite offices, as well as costs for training staff to be able to run the satellite offices independently. The services and supplies costs included signage, contracted labor, office supplies, generators to power ballot marking devices and additional lighting.

17. The Registrar's office also engaged in an extensive outreach campaign during the March 2020 election to encourage eligible individuals to register to vote earlier to avoid such lines.

18. During the March 2020 election, 13,452 individuals registered or re-registered to vote using CVR.

19. In addition to creating the four new satellite locations, the following new activities were required of the County during the March 2020 election due to SB 72's amendment to Section 2170(d)(1), which mandated that county elections officials offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and offer CVR at both satellite offices and polling places on election day:

a. Additional Registrar of Voters Staffing Costs

In order to offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and to offer CVR at both satellite offices and polling places on election day, pursuant to SB 72's amendment to Section 2170(d)(1), the Registrar's office had to conduct extensive planning and preparation. Staff at the Registrar's office met and collaborated for months to design and develop the necessary envelopes and training and create the necessary workflows. The Registrar's office was also required to hire additional temporary staff to do data entry and process the anticipated increase in conditional voter registrations and CVR provisional ballots.

b. Training

In order to offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and to offer CVR at both satellite offices and polling places on election day, pursuant to SB 72's amendment to Section 2170(d)(1), the Registrar's Training Department was required to create a new training plan for poll

workers to process CVR at polling places. Poll workers had not been previously trained on this process, and that training was not included in the Registrar's training materials, because prior to SB 72's amendment to Section 2170(d)(1), poll workers did not handle CVR. New CVR processes were required to be included in the poll worker handbook, and poll workers were required to be trained on the new processes.

c. Election Staffing

In order to offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and to offer CVR at both satellite offices and polling places on election day, pursuant to SB 72's amendment to Section 2170(d)(1), the Registrar's office was required to recruit and hire additional temporary staff and poll workers in order to handle the anticipated increase in voters due to the new availability of CVR and the resulting increase in CVR provisional voting.

d. CVR Ballot Processing

Because the Registrar offered CVR at any satellite offices of the elections official during the 14-day period prior to the election, and offered CVR at both satellite offices and polling places on election day, pursuant to the mandate of Section 2170(d)(1) (as amended by SB 72), the number of CVR voted ballots increased. The Registrar was required to process and sort the CVR ballots using automated processing equipment because CVR was more widely available.

e. Supplies

In order to offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and to offer CVR at both satellite offices and polling places on election day, pursuant to SB 72's amendment to Section 2170(d)(1), the Registrar's office was required to purchase new conditional voter registration envelopes. These envelopes were not necessary prior to the March 2020 election because prior to that election, CVR was only required to be offered at the Registrar's office. Once CVR was required to be offered at any satellite offices of the elections official during the 14-day period prior to the election, and at both satellite offices and polling places on election day, pursuant to SB 72's amendment to Section 2170(d)(1), the Registrar's office needed new conditional voter registration envelopes so that CVR provisional ballots could be segregated at the polling places and satellite offices.

This new envelope served as the affidavit of registration for CVR voters at all permanent and satellite offices of the county elections official and all polling places in the County. These separate envelopes allowed the CVR ballots to be processed apart from other ballots at the Registrar's office. The Registrar's office could use the envelopes to

create a new voter record in the main voter database, and the Registrar’s office could then verify that voter information was accurate and that the CVR voter was allowed to vote.

20. The County conducted the November 2020 election using the “consolidated polling place/voters assigned to specific location” method.

21. During the November 2020 election, in-person voting was available at 1 in-person voting location (the Registrar’s permanent office) for 29 days, as well as at 235 consolidated polling places for 4 full days. The County had no satellite offices during the November 2020 election.

22. During the November 2020 election, the Registrar’s office did not need to conduct the same activities as it did during the March 2020 election in order to fulfill the requirements of SB 72’s amendment to Section 2170(d)(1). For example, the Registrar’s office did not need to plan or revise the training materials. Further, the County’s costs to hire staff and temporary poll workers to handle CVR applications and ballots were less than March 2020 because there were no satellite offices and fewer polling places and thus fewer poll workers. The Registrar also used electronic poll books during the November 2020 election, which streamlined the CVR process, and more individuals registered prior to the 15-day close of registration, which is typical for presidential general elections.

23. I requested information from other Registrars’ offices throughout the State regarding their costs to implement SB 72’s amendment to Section 2170(d)(1). I received the following responses:

County	Election	Amount
Placer County	November 2020	\$14,050.65
Stanislaus County	November 2019 (UDEL)	\$12,853.31
Stanislaus County	March 2020	\$1,080.38

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24. I am unaware of any previous Commission decisions on SB 72. I am unaware of any legislatively determined mandate on SB 72.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my personal knowledge, information and belief.

Executed this 25th day of February, 2021, in San Diego County.

Signed:

A handwritten signature in blue ink, appearing to read "L. Michael Vu", written over a horizontal line.

L. Michael Vu

EXHIBIT 1

County of San Diego Registered Voters and
Vote by Mail Ballot Voter Turnout

Date	Election Title	Registered Voters	Total Voted Election	% of Turnout	Absentee Issued	Absentee Voted*	% of AV Voted	Absentee % of Total Votes Cast	Requested Absentee Issued*	Requested Absentee Voted*	% of Requested AV Voted*	Declared Absentee Issued	Declared Absentee Voted	% of Declared AV Voted	Perm Absentee Issued	Perm Absentee Voted	% of Perm AV Voted
	* Mail Ballot Election (no polls)																
									*includes Failsafe/provisional-absentee			*includes permanent absentee voters prior to November 2, 2004					
15-Mar-83	San Diego Spec Mayor Primary	418,589	187,484	44.79%	15,817	12,809	80.98%	6.83%	14,596	12,517	85.76%	1,221	292	23.91%			
2-Nov-82	Governor General	952,214	644,291	67.66%	59,829	48,870	81.68%	7.59%	51,245	43,510	84.91%	8,584	5,360	62.44%			
8-Jun-82	Governor Primary	879,749	453,011	51.49%	37,435	28,977	77.41%	6.40%	31,094	25,860	83.17%	6,341	3,117	49.16%			
3-Nov-81	San Diego General & UDEL	878,531	274,245	31.22%	19,761	12,476	63.13%	4.55%	14,053	10,889	77.49%	5,708	1,587	27.80%			
15-Sep-81	San Diego Primary (1,3,5,7)	364,141	75,723	20.79%	5,103	3,455	67.71%	4.56%	4,252	3,338	78.50%	851	117	13.75%			
2-Jun-81	Fallbrook Inc	10,341	6,407	61.96%	425	385	90.59%	6.01%	425	385	90.59%	0	0				
5-May-81	Coronado City	9,759	4,386	44.94%	317	277	87.38%	6.32%	317	277	87.38%	0	0				
5-May-81	* San Diego Convention Center	430,356	261,433	60.75%	430,356	261,433	60.75%	100.00%				Mail Ballot Election					
3-Mar-81	Spring Valley Fire	25,724	5,561	21.62%	305	262	85.90%	4.71%	305	262	85.90%	0	0				
4-Nov-80	Presidential General	948,705	736,246	77.61%	62,001	46,401	74.84%	6.30%	53,948	43,237	80.15%	8,053	3,164	39.29%			
3-Jun-80	Presidential Primary	909,820	542,817	59.66%	41,612	28,207	67.79%	5.20%	37,340	26,594	71.22%	4,272	1,613	37.76%			
8-Apr-80	Community Planning & Fire District	131,828	24,817	18.83%	2,627	1,599	60.87%	6.44%	2,074	1,448	69.82%	553	151	27.31%			

EXHIBIT 2

**Report of Registration as of February 10, 2019
Registration by County**

County	Eligible	Total Registered	Democratic	Republican	American Independent	Green
Alameda	1,091,939	883,942	489,759	95,587	17,000	6,530
Percent		80.95%	55.41%	10.81%	1.92%	0.74%
Alpine	939	773	319	200	28	6
Percent		82.32%	41.27%	25.87%	3.62%	0.78%
Amador	27,193	22,439	6,347	9,809	966	100
Percent		82.52%	28.29%	43.71%	4.31%	0.45%
Butte	172,054	122,350	42,093	41,330	4,261	913
Percent		71.11%	34.40%	33.78%	3.48%	0.75%
Calaveras	36,091	29,497	7,935	12,200	1,359	187
Percent		81.73%	26.90%	41.36%	4.61%	0.63%
Colusa	12,560	8,825	2,710	3,475	256	17
Percent		70.26%	30.71%	39.38%	2.90%	0.19%
Contra Costa	761,672	631,040	305,850	122,364	16,200	2,891
Percent		82.85%	48.47%	19.39%	2.57%	0.46%
Del Norte	18,099	13,771	4,172	4,918	615	103
Percent		76.09%	30.30%	35.71%	4.47%	0.75%
El Dorado	141,759	121,901	34,739	48,494	4,921	670
Percent		85.99%	28.50%	39.78%	4.04%	0.55%
Fresno	599,766	461,008	172,730	150,470	12,814	1,432
Percent		76.86%	37.47%	32.64%	2.78%	0.31%
Glenn	18,536	12,825	3,547	5,375	480	33
Percent		69.19%	27.66%	41.91%	3.74%	0.26%
Humboldt	105,415	78,158	34,027	17,670	2,496	1,775
Percent		74.14%	43.54%	22.61%	3.19%	2.27%
Imperial	101,666	69,937	32,941	12,738	1,547	170
Percent		68.79%	47.10%	18.21%	2.21%	0.24%
Inyo	13,673	10,171	3,068	3,968	414	57
Percent		74.39%	30.16%	39.01%	4.07%	0.56%
Kern	519,934	379,448	125,717	132,298	12,547	971
Percent		72.98%	33.13%	34.87%	3.31%	0.26%
Kings	81,094	52,601	16,995	20,991	1,388	108
Percent		64.86%	32.31%	39.91%	2.64%	0.21%

**Report of Registration as of February 10, 2019
Registration by County**

County	Libertarian	Peace and Freedom	Unknown	Other	No Party Preference
Alameda	4,728	2,736	76	5,579	261,947
Percent	0.53%	0.31%	0.01%	0.63%	29.63%
Alpine	6	2	0	3	209
Percent	0.78%	0.26%	0.00%	0.39%	27.04%
Amador	306	58	9	53	4,791
Percent	1.36%	0.26%	0.04%	0.24%	21.35%
Butte	1,436	394	394	1,152	30,377
Percent	1.17%	0.32%	0.32%	0.94%	24.83%
Calaveras	437	94	96	233	6,956
Percent	1.48%	0.32%	0.33%	0.79%	23.58%
Colusa	73	20	1	5	2,268
Percent	0.83%	0.23%	0.01%	0.06%	25.70%
Contra Costa	4,309	1,699	2,045	996	174,686
Percent	0.68%	0.27%	0.32%	0.16%	27.68%
Del Norte	145	79	1	106	3,632
Percent	1.05%	0.57%	0.01%	0.77%	26.37%
El Dorado	1,744	297	95	875	30,066
Percent	1.43%	0.24%	0.08%	0.72%	24.66%
Fresno	3,219	1,647	81	4,338	114,277
Percent	0.70%	0.36%	0.02%	0.94%	24.79%
Glenn	131	37	1	24	3,197
Percent	1.02%	0.29%	0.01%	0.19%	24.93%
Humboldt	837	346	248	249	20,510
Percent	1.07%	0.44%	0.32%	0.32%	26.24%
Imperial	370	366	406	381	21,018
Percent	0.53%	0.52%	0.58%	0.54%	30.05%
Inyo	104	30	2	46	2,482
Percent	1.02%	0.29%	0.02%	0.45%	24.40%
Kern	3,354	1,462	1,904	587	100,608
Percent	0.88%	0.39%	0.50%	0.15%	26.51%
Kings	431	145	284	156	12,103
Percent	0.82%	0.28%	0.54%	0.30%	23.01%

**Report of Registration as of February 10, 2019
Registration by County**

County	Eligible	Total Registered	Democratic	Republican	American Independent	Green
Lake	49,550	32,883	12,270	8,685	1,317	319
Percent		66.36%	37.31%	26.41%	4.01%	0.97%
Lassen	17,090	14,460	2,817	7,035	770	48
Percent		84.61%	19.48%	48.65%	5.33%	0.33%
Los Angeles	6,239,345	5,396,890	2,682,019	899,159	114,161	22,194
Percent		86.50%	49.70%	16.66%	2.12%	0.41%
Madera	90,574	58,085	18,152	22,011	1,844	156
Percent		64.13%	31.25%	37.89%	3.17%	0.27%
Marin	182,393	161,870	89,526	23,380	3,648	1,295
Percent		88.75%	55.31%	14.44%	2.25%	0.80%
Mariposa	14,932	10,886	3,010	4,623	423	84
Percent		72.90%	27.65%	42.47%	3.89%	0.77%
Mendocino	64,436	49,821	23,284	9,739	1,682	1,045
Percent		77.32%	46.74%	19.55%	3.38%	2.10%
Merced	161,723	98,381	41,741	26,607	3,016	313
Percent		60.83%	42.43%	27.04%	3.07%	0.32%
Modoc	7,405	4,945	1,048	2,425	240	19
Percent		66.78%	21.19%	49.04%	4.85%	0.38%
Mono	9,555	6,707	2,289	2,026	257	55
Percent		70.19%	34.13%	30.21%	3.83%	0.82%
Monterey	245,206	189,607	92,437	38,251	4,514	950
Percent		77.33%	48.75%	20.17%	2.38%	0.50%
Napa	92,280	78,182	35,404	16,939	2,351	540
Percent		84.72%	45.28%	21.67%	3.01%	0.69%
Nevada	78,736	68,517	24,677	22,252	2,450	778
Percent		87.02%	36.02%	32.48%	3.58%	1.14%
Orange	2,032,569	1,591,543	529,651	541,711	40,231	4,823
Percent		78.30%	33.28%	34.04%	2.53%	0.30%
Placer	277,942	238,052	66,540	97,801	7,304	890
Percent		85.65%	27.95%	41.08%	3.07%	0.37%
Plumas	15,921	12,376	3,432	5,194	611	51
Percent		77.73%	27.73%	41.97%	4.94%	0.41%

**Report of Registration as of February 10, 2019
Registration by County**

County	Libertarian	Peace and Freedom	Unknown	Other	No Party Preference
Lake	357	170	2	50	9,713
Percent	1.09%	0.52%	0.01%	0.15%	29.54%
Lassen	155	42	9	84	3,500
Percent	1.07%	0.29%	0.06%	0.58%	24.20%
Los Angeles	32,896	29,485	23,349	39,653	1,553,974
Percent	0.61%	0.55%	0.43%	0.73%	28.79%
Madera	469	216	237	236	14,764
Percent	0.81%	0.37%	0.41%	0.41%	25.42%
Marin	1,059	261	308	485	41,908
Percent	0.65%	0.16%	0.19%	0.30%	25.89%
Mariposa	124	30	13	129	2,450
Percent	1.14%	0.28%	0.12%	1.19%	22.51%
Mendocino	511	220	421	142	12,777
Percent	1.03%	0.44%	0.85%	0.29%	25.65%
Merced	736	285	27	110	25,546
Percent	0.75%	0.29%	0.03%	0.11%	25.97%
Modoc	44	16	5	15	1,133
Percent	0.89%	0.32%	0.10%	0.30%	22.91%
Mono	67	29	3	8	1,973
Percent	1.00%	0.43%	0.04%	0.12%	29.42%
Monterey	1,321	638	833	177	50,486
Percent	0.70%	0.34%	0.44%	0.09%	26.63%
Napa	703	210	270	307	21,458
Percent	0.90%	0.27%	0.35%	0.39%	27.45%
Nevada	892	182	15	9,426	7,845
Percent	1.30%	0.27%	0.02%	13.76%	11.45%
Orange	14,039	4,095	421	3,229	453,343
Percent	0.88%	0.26%	0.03%	0.20%	28.48%
Placer	3,872	459	717	973	59,496
Percent	1.63%	0.19%	0.30%	0.41%	24.99%
Plumas	151	32	1	4	2,900
Percent	1.22%	0.26%	0.01%	0.03%	23.43%

**Report of Registration as of February 10, 2019
Registration by County**

County	Eligible	Total Registered	Democratic	Republican	American Independent	Green
Riverside	1,487,776	1,060,375	390,315	340,503	32,805	2,887
Percent		71.27%	36.81%	32.11%	3.09%	0.27%
Sacramento	1,016,166	780,667	328,290	196,804	23,880	3,512
Percent		76.82%	42.05%	25.21%	3.06%	0.45%
San Benito	34,291	31,022	13,834	7,874	828	109
Percent		90.47%	44.59%	25.38%	2.67%	0.35%
San Bernardino	1,334,000	963,616	373,846	278,145	32,950	3,055
Percent		72.24%	38.80%	28.86%	3.42%	0.32%
San Diego	2,229,766	1,747,383	623,925	475,149	55,800	6,887
Percent		78.37%	35.71%	27.19%	3.19%	0.39%
San Francisco	662,489	493,455	280,182	31,823	7,878	3,849
Percent		74.49%	56.78%	6.45%	1.60%	0.78%
San Joaquin	460,428	349,707	143,400	99,566	9,324	1,015
Percent		75.95%	41.01%	28.47%	2.67%	0.29%
San Luis Obispo	209,497	170,612	58,493	58,641	5,278	1,054
Percent		81.44%	34.28%	34.37%	3.09%	0.62%
San Mateo	508,316	404,958	202,341	60,045	8,252	1,909
Percent		79.67%	49.97%	14.83%	2.04%	0.47%
Santa Barbara	294,880	218,413	91,696	55,251	5,614	1,125
Percent		74.07%	41.98%	25.30%	2.57%	0.52%
Santa Clara	1,212,034	895,965	405,470	151,213	17,775	3,404
Percent		73.92%	45.26%	16.88%	1.98%	0.38%
Santa Cruz	189,924	161,199	87,412	22,129	3,503	1,725
Percent		84.88%	54.23%	13.73%	2.17%	1.07%
Shasta	134,143	101,357	23,139	46,382	4,104	380
Percent		75.56%	22.83%	45.76%	4.05%	0.37%
Sierra	2,622	2,186	596	872	127	19
Percent		83.37%	27.26%	39.89%	5.81%	0.87%
Siskiyou	34,504	27,553	8,152	10,466	1,282	193
Percent		79.85%	29.59%	37.98%	4.65%	0.70%
Solano	294,649	236,028	106,452	50,006	6,746	882
Percent		80.10%	45.10%	21.19%	2.86%	0.37%

**Report of Registration as of February 10, 2019
Registration by County**

County	Libertarian	Peace and Freedom	Unknown	Other	No Party Preference
Riverside	8,221	3,857	4,287	4,643	272,857
Percent	0.78%	0.36%	0.40%	0.44%	25.73%
Sacramento	7,573	4,413	2,893	1,736	211,566
Percent	0.97%	0.57%	0.37%	0.22%	27.10%
San Benito	247	103	13	37	7,977
Percent	0.80%	0.33%	0.04%	0.12%	25.71%
San Bernardino	7,583	4,390	4,090	4,779	254,778
Percent	0.79%	0.46%	0.42%	0.50%	26.44%
San Diego	16,355	5,255	6,888	4,586	552,538
Percent	0.94%	0.30%	0.39%	0.26%	31.62%
San Francisco	2,920	1,340	2,327	917	162,219
Percent	0.59%	0.27%	0.47%	0.19%	32.87%
San Joaquin	2,475	1,380	1,460	1,057	90,030
Percent	0.71%	0.39%	0.42%	0.30%	25.74%
San Luis Obispo	1,786	371	559	1,555	42,875
Percent	1.05%	0.22%	0.33%	0.91%	25.13%
San Mateo	2,453	959	1,302	959	126,738
Percent	0.61%	0.24%	0.32%	0.24%	31.30%
Santa Barbara	1,756	571	860	1,302	60,238
Percent	0.80%	0.26%	0.39%	0.60%	27.58%
Santa Clara	6,148	2,360	56	770	308,769
Percent	0.69%	0.26%	0.01%	0.09%	34.46%
Santa Cruz	1,467	538	35	910	43,480
Percent	0.91%	0.33%	0.02%	0.56%	26.97%
Shasta	1,140	317	25	241	25,629
Percent	1.12%	0.31%	0.02%	0.24%	25.29%
Sierra	28	4	1	37	502
Percent	1.28%	0.18%	0.05%	1.69%	22.96%
Siskiyou	338	126	118	72	6,806
Percent	1.23%	0.46%	0.43%	0.26%	24.70%
Solano	1,851	760	1,268	1,505	66,558
Percent	0.78%	0.32%	0.54%	0.64%	28.20%

**Report of Registration as of February 10, 2019
Registration by County**

County	Eligible	Total Registered	Democratic	Republican	American Independent	Green
Sonoma	348,819	277,665	143,054	49,386	6,866	2,919
Percent		79.60%	51.52%	17.79%	2.47%	1.05%
Stanislaus	347,498	251,760	92,669	86,375	7,427	688
Percent		72.45%	36.81%	34.31%	2.95%	0.27%
Sutter	60,699	46,787	13,715	18,102	1,534	101
Percent		77.08%	29.31%	38.69%	3.28%	0.22%
Tehama	43,849	33,329	8,277	14,138	1,605	97
Percent		76.01%	24.83%	42.42%	4.82%	0.29%
Trinity	11,301	7,521	2,351	2,409	346	88
Percent		66.55%	31.26%	32.03%	4.60%	1.17%
Tulare	267,195	170,399	52,751	65,388	5,326	462
Percent		63.77%	30.96%	38.37%	3.13%	0.27%
Tuolumne	41,070	32,128	9,208	13,125	1,209	169
Percent		78.23%	28.66%	40.85%	3.76%	0.53%
Ventura	551,340	455,730	179,483	132,378	10,609	1,798
Percent		82.66%	39.38%	29.05%	2.33%	0.39%
Yolo	152,159	112,802	52,995	21,798	3,046	786
Percent		74.13%	46.98%	19.32%	2.70%	0.70%
Yuba	48,403	33,941	9,076	12,158	1,647	135
Percent		70.12%	26.74%	35.82%	4.85%	0.40%
State Total	25,259,865	19,978,449	8,612,368	4,709,851	517,872	88,771
Percent		79.09%	43.11%	23.57%	2.59%	0.44%

**Report of Registration as of February 10, 2019
Registration by County**

County	Libertarian	Peace and Freedom	Unknown	Other	No Party Preference
Sonoma	2,371	702	957	1,166	70,244
Percent	0.85%	0.25%	0.34%	0.42%	25.30%
Stanislaus	1,981	861	1,263	2,237	58,259
Percent	0.79%	0.34%	0.50%	0.89%	23.14%
Sutter	408	150	299	608	11,870
Percent	0.87%	0.32%	0.64%	1.30%	25.37%
Tehama	390	112	5	79	8,626
Percent	1.17%	0.34%	0.02%	0.24%	25.88%
Trinity	102	45	193	549	1,438
Percent	1.36%	0.60%	2.57%	7.30%	19.12%
Tulare	1,343	482	846	313	43,488
Percent	0.79%	0.28%	0.50%	0.18%	25.52%
Tuolumne	364	95	3	40	7,915
Percent	1.13%	0.30%	0.01%	0.12%	24.64%
Ventura	3,656	1,201	4,843	5,641	116,121
Percent	0.80%	0.26%	1.06%	1.24%	25.48%
Yolo	959	417	522	527	31,752
Percent	0.85%	0.37%	0.46%	0.47%	28.15%
Yuba	407	193	209	117	9,999
Percent	1.20%	0.57%	0.62%	0.34%	29.46%
State Total	153,348	76,784	67,596	106,194	5,645,665
Percent	0.77%	0.38%	0.34%	0.53%	28.26%

DECLARATION OF LILIANA LAU IN SUPPORT OF
COUNTY OF SAN DIEGO TEST CLAIM
EXTENDED CONDITIONAL VOTER REGISTRATION

Elections Code section 2170, as amended by
Senate Bill 72, Chapter 565, Statutes of 2019

I, Liliana Lau, declare as follows:

1. I make this declaration based upon my own personal knowledge and based upon my review of the records referenced herein.

2. If called upon to testify, I could and would competently testify to the matters set forth herein.

3. I am the Administrative Services Manager for the Registrar of Voters for San Diego County (the “Registrar”). In that capacity, I am responsible for calculating costs incurred for the elections administered by the County and applying funding sources to those costs as applicable, including billing other jurisdictions whose elections are consolidated with elections administered by the County, as well as applying for federal and state funding, if applicable.

4. In order to calculate costs incurred for the elections, I have access to the timekeeping financial reports for staff of the Registrar (both permanent and temporary staff, including poll workers). I also manage the acquisition of services and goods, as well as processing invoices, for the Registrar. This includes acquiring supplies for administration of the elections, including CVR envelopes.

5. Prior to the March 2020 election, I reviewed SB 72, which made changes to Section 2170(d)(1) of the Elections Code (“Section 2170(d)(1)”). Specifically, the changes to Section 2170(d)(1) added the words “and satellite [offices of the county elections official]” and “all polling places” to the listed locations where the elections official is required to offer CVR during the 14-day period prior to the election and on election day. As a practical matter, this meant the Registrar had to offer CVR at all satellite offices during the 14-day period prior to the election, and both at all satellite offices and all polling places on election day. Due to my position and duties described above, I was and am aware of the increased costs the County incurred due to the County’s implementation of SB 72’s amendment to Section 2170(d)(1). Additionally, I participated in many of the planning meetings among staff at the Registrar’s office to

discuss how to implement these changes to Section 2170(d)(1), and therefore I am aware of the increased activities the Registrar was required to conduct in order to offer CVR pursuant to SB 72's amendment to Section 2170(d)(1).

6. Based on my review of timekeeping records and invoices for supplies, the additional increased costs during the March 2020 election for meeting the requirements imposed by SB 72's amendment to Section 2170(d)(1) (specifically, the new requirement that (1) CVR be offered at any satellite offices of the elections official and (2) CVR be offered at all polling places in the county during the 14-day period prior to the election and on election day) were as follows:

a. Additional Registrar of Voters Staffing Costs

In order to offer CVR at any satellite offices of the elections official during the 14-day period prior to the election to offer CVR at both satellite offices and polling places on election day pursuant to SB 72's amendment to Section 2170(d)(1), the Registrar staff had to plan and prepare. The cost of labor dating on or after January 1, 2020 for the Registrar's office to plan and prepare to offer CVR at satellite offices and polling places, including designing and developing necessary envelopes and workflows was \$29,019. The County cannot request reimbursement from other jurisdictions for its internal planning costs.

The cost of additional Registrar of Voters staffing to handle data entry and processing of the additional increase in CVR registrations and ballots was \$123,965. The County has reimbursement authority from other jurisdictions for \$27,648 of its staffing costs to process the additional increase in CVR registrations and ballots.

Thus the County's reimbursable cost for additional Registrar of Voters staffing is **\$125,336**.

b. Training

In order to offer CVR at all polling places in the county on election day pursuant to SB 72's amendment to Section 2170(d)(1), the Registrar staff had to train poll workers to handle CVR and edit the training handbook to describe how to handle CVR.

The cost for this activity was \$32,166. The County can recover some of the costs of administering elections from the jurisdictions whose elections were consolidated with the primary and general elections. The County recovered \$7,174 from the other jurisdictions for this activity. Thus the County's reimbursable cost is **\$24,992**.

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c. Election Staffing

In order to offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and to offer CVR at both satellite offices and polling places on election day pursuant to SB 72's amendment to Section 2170(d)(1), the Registrar was required to recruit and hire additional temporary staff and poll workers in order to handle the anticipated increase in voters due to the new availability of CVR and the resulting increase in CVR provisional voting.

The cost for this activity was \$96,608. The County can recover some of the costs of administering elections from the jurisdictions whose elections were consolidated with the primary and general elections. The County recovered \$21,546 from the other jurisdictions for this activity. Thus the County's reimbursable cost is **\$75,062**.

d. CVR Ballot Processing

Because the Registrar was newly required to offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and to offer CVR at both satellite offices and polling places on election day pursuant to SB 72's amendment to Section 2170(d)(1), the number of CVR voted ballots increased. The Registrar was required to process and sort the CVR ballots using automated processing equipment because CVR was more widely available.

The cost to process and sort CVR envelopes by electronic vote processing equipment was \$10,773. The County can recover some of the costs of administering elections from the jurisdictions whose elections were consolidated with the primary and general elections. The County recovered \$2,403 from the other jurisdictions for this activity. Thus the County's reimbursable cost is **\$8,370**.

e. Supplies

In order to offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and to offer CVR at both satellite offices and polling places on election day pursuant to SB 72's amendment to Section 2170(d)(1), the Registrar was required to purchase new conditional voter registration envelopes for both polling and satellite locations.

The cost to purchase these envelopes was \$91,476. The County can recover some of the costs of administering elections from the jurisdictions whose elections were consolidated with the primary and general elections. The County recovered \$20,402 from the other jurisdictions for this activity. Thus the County's reimbursable cost is **\$71,074**.

7. A summary table of the County's costs and reimbursement is below.

Activity	Cost	Reimbursement from other jurisdictions whose elections were consolidated with the March 2020 election	County Total
Additional Registrar of Voters staffing dating on or after January 1, 2020 for the Registrar's office to plan and prepare for changes due to SB 72, including designing and developing necessary envelopes and workflows	\$29,019	\$0	\$29,019
The cost of additional Registrar of Voters staffing to handle data entry and processing of the additional increase in CVR registrations and ballots was \$123,965.	\$123,965	\$27,648	\$96,317
Training Costs (creation of a new training plan and labor costs for the actual training of poll workers to handle CVR voters at poll sites)	\$32,166	\$7,174	\$24,992
Staffing Costs (recruiting and hiring additional temporary staff and poll workers in order to handle the anticipated increase in voters due to the new availability of CVR at poll sites and the resulting increase in CVR provisional voting)	\$96,608	\$21,546	\$75,062
Cost of labor to process and sort envelopes by electronic vote processing equipment (CVR percentage only)	\$10,773	\$2,403	\$8,370
Supplies Costs (new conditional voter registration envelope at polling and satellite locations)	\$91,476	\$20,402	\$71,074
Total	\$384,007	\$79,173	\$304,834

8. Based on my review of timekeeping records and invoices for supplies, the costs for opening and operating four new satellite locations in March 2020 was as follows:

Labor (staff to set up and manage the satellite locations, as well as costs for training staff to be able to run the satellite locations independently)	\$169,141
Supplies (signage, contracted labor, office supplies, generators to power ballot marking devices and additional lighting)	\$67,146
Total without Reimbursement	\$236,287
Reimbursement by other jurisdictions whose elections were consolidated with the March 2020 election	\$52,698
Total with Reimbursement	\$183,589

The Registrar also purchased electronic poll books for each satellite location, but the cost of doing so (approximately \$243,740) was fully reimbursed by funds allocated to the County by Help America Vote Act of 2002 (“HAVA”) and AB 1824.

9. I am unaware of any state, federal or other nonlocal agency funding sources that specifically address the mandate to offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and to offer CVR at both satellite offices and polling places on election day pursuant to SB 72’s amendment to Section 2170(d)(1), or that specifically address the costs set out in paragraphs 6-8 above. The County can recover some of the costs of administering elections from the jurisdictions whose elections were consolidated with the primary and general elections, as also set out in paragraphs 6-8 above.

10. With regard to the November 2020 election, the Registrar’s additional increased costs for offering CVR at polling places on election day pursuant to SB 72’s amendment to Section 2170(d)(1) were (1) additional Registrar of Voters staffing costs to handle the anticipated increase in voters due to the availability of CVR at polling places and to process the additional CVR voters, and (2) costs incurred to train poll workers to offer CVR at polling places.

11. Based on my review of timekeeping records, the cost of this additional labor in November 2020 was \$144,829. I estimate that \$51,031 of that might be recoverable from other jurisdictions, with a total of \$93,798 incurred by the County for additional labor. The cost of the additional training was \$46,325. I estimate that \$16,323

of that amount might be recoverable from other jurisdictions, with a total of \$30,002 incurred by the County for training. This equals \$123,800 in total additional costs incurred by the County for the November 2020 election due to SB 72's amendment to Section 2170(d)(1).¹

12. I am unaware of any state, federal or other nonlocal agency funding sources that specifically address the mandate to offer CVR at any satellite offices of the elections official during the 14-day period prior to the election, and to offer CVR at both satellite offices and polling places on election day pursuant to SB 72's amendment to Section 2170(d)(1), or that specifically address the costs of offering CVR during the November 2020 election. The County anticipates recovering from other jurisdictions some of its increased costs in November 2020 as set forth in paragraph 11, but as of the date of this declaration, I only have estimated amounts available. In addition, the County will receive federal funds pursuant to HAVA (as administered by the State) to defray the increased costs of conducting the November 2020 election during the COVID-19 pandemic, which will potentially cover some increased labor costs as described above. As of the date of this declaration, I do not yet know what amount the County will receive for the mandated activities, but my office would subtract any reimbursement received from any other sources before providing information for the County to submit a claim to the Controller arising from the mandates process.

13. With regard to additional costs anticipated to be incurred in FY 20/21 pursuant to SB 72's amendment to Section 2170(d)(1), the Registrar will also need to offer CVR at all polling places during the special primary and general elections scheduled in Fiscal Year 2020-21 to fill the current vacancy in Assembly District 79. As of the signing of this declaration, the County anticipates having approximately 51 polling locations open on election day only and no satellite locations.

14. During these special elections, the Registrar will incur (1) additional Registrar staffing costs to process the increase in CVR voters due to the availability of CVR at polling places, and (2) additional costs to train poll workers to offer CVR at polling places. I have estimated the costs of this additional labor and training to be \$54,886 for labor and \$5,468 for training, or \$60,354 total.

¹ This amount was adjusted downward from my December 23, 2020 declaration. The number in my December 23, 2020 declaration included a percentage of labor costs for poll workers. But unlike in March 2020, in November 2020 the Registrar did not hire *additional* poll workers solely to handle CVR at the polls. Thus the County is not including the labor costs of poll workers in its November 2020 costs.

15. Because these elections are not consolidated with other jurisdictions, the County cannot request reimbursement from other jurisdictions.

16. For Fiscal Year 20-21, the County's estimated costs incurred due to the requirement in SB 72's amendment to Section 2170(d)(1) that the County offer CVR at polling places on election day are:

- a. Additional Registrar of Voters staffing costs to handle the anticipated increase in voters due to the availability of CVR at polling places and to process the additional CVR voters:
November 2020 election (\$144,829)
Upcoming special elections (\$54,886)
Total \$199,715

- b. Additional costs incurred to train poll workers to offer CVR at polling places:
November 2020 election (\$46,325)
Upcoming special elections (\$5,468)
Total \$51,793

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my personal knowledge, information and belief.

Executed this 26th day of February, 2021, in San Diego County.

Signed: _____  _____

Liliana Lau

DECLARATION OF CYNTHIA L. PAES IN SUPPORT OF
COUNTY OF SAN DIEGO TEST CLAIM
EXTENDED CONDITIONAL VOTER REGISTRATION

Elections Code section 2170, as amended by
Senate Bill 72, Chapter 565, Statutes of 2019

I, Cynthia L. Paes, declare as follows:

1. I make this declaration based upon my own personal knowledge.
2. If called upon to testify, I could and would competently testify to the matters set forth herein.
3. I am the Acting Registrar of Voters for the County of San Diego (“County”). I have been the Acting Registrar since January 8, 2021. Prior to that, I was the Assistant Registrar for the County from June 14, 2013 to January 8, 2021.
4. In my capacity as Acting Registrar of Voters, I manage the operations and workflow of the office of the Registrar of Voters. The Registrar is responsible for overseeing all elections administered by the County, including statewide and federal elections, as well as local elections consolidated with statewide and federal elections. I am personally involved in the planning processes for administering the special primary and general elections scheduled in Fiscal Year 2020-21 to fill the current vacancy in Assembly District 79. These elections are scheduled for April 6, 2021 and June 8, 2021, respectively.
5. I have reviewed Senate Bill 72, § 1.5, Chapter 565, Statutes of 2019 (“SB 72”), which made changes to Section 2170(d)(1) of the Elections Code (“Section 2170(d)(1)”). Specifically, the changes to Section 2170(d)(1) added the words “and satellite [offices of the county elections official]” and “all polling places” to the locations where the elections official is required to offer CVR during the 14-day period prior to the election and on election day. Due to my position and duties described above, I am aware of the additional activities the County will need to undertake during the upcoming special elections to implement SB 72’s amendment to Section 2170(d)(1).
6. For both special elections scheduled during the 2020-21 fiscal year, the County will not have satellite locations available. As of the signing of this declaration,

the County anticipates having approximately 51 polling locations open on election day only.

7. Pursuant to SB 72's amendment to Section 2170(d)(1), the Registrar is required to offer CVR at all of the polling places on election day. In order to do so, the Registrar will incur increased costs that it would not have incurred without SB 72's amendment to Section 2170(d)(1). Specifically, the Registrar will incur (1) additional Registrar staffing costs to process the increase in CVR voters due to the availability of CVR at polling places, and (2) additional costs to train poll workers to offer CVR at polling places.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my personal knowledge, information and belief.

Executed this 26th day of February, 2021, in San Diego County.

Signed: Paes, Cynthia L. Digitally signed by Paes, Cynthia L.
Date: 2021.02.26 13:07:12 -08'00'

Cynthia L. Paes

SECTION 7

COUNTY OF SAN DIEGO TEST CLAIM

EXTENDED CONDITIONAL VOTER REGISTRATION

Elections Code section 2170, as amended by
Senate Bill 72, Chapter 565, Statutes of 2019

EXHIBIT A



California

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AB-1436 Voter registration. (2011-2012)

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Assembly Bill No. 1436

CHAPTER 497

An act to amend Sections 2107, 14310, and 18001 of, and to add Article 4.5 (commencing with Section 2170) to Chapter 2 of Division 2 of, the Elections Code, relating to elections.

[Approved by Governor September 24, 2012. Filed with Secretary of State September 24, 2012.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1436, Feuer. Voter registration.

Existing law establishes procedures regarding the registration of voters. Under existing law, a person may not be registered to vote except by affidavit of registration, and a voter may not vote in an election unless his or her affidavit of registration is executed and received by the county elections official on or before the 15th day prior to

EXHIBIT A

7-2

the election. Existing law permits any registered voter to vote by a vote by mail ballot, and further permits any voter using a vote by mail ballot to vote the ballot at the office of the elections official beginning 29 days before the election. Existing law requires that the affidavit of registration show facts necessary to establish the affiant as an elector, as specified, and provides that if the affiant has not been issued a current and valid driver's license or social security number, he or she shall be provided a unique identification number for voter registration purposes.

This bill would establish conditional voter registration, using an affidavit of registration, whereby a person would be permitted to register to vote after the 15th day prior to an election or on election day, and cast a provisional ballot to be counted if the conditional voter registration is deemed effective. This bill would provide that a conditional voter registration shall be deemed effective if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and that the registrant has provided information that matches specified state or federal databases. The bill would provide that if the information provided by the registrant cannot be verified by matching the information to those specified state or federal databases and the registrant is otherwise eligible to vote, the registrant shall be issued a unique identification number pursuant to the above-referenced provisions and the conditional voter registration shall be deemed effective. The bill would establish specific criminal and civil penalties for the commission of fraud in the execution of a conditional voter registration pursuant to these provisions.

The bill would require the county elections official to offer conditional voter registration and provisional voting at its permanent offices, and would permit the official to offer this registration and voting at satellite offices on election day, in accordance with specified procedures. The bill would also require the county elections official to cancel, as specified, duplicate voter registrations that may arise due to conditional voter registration.

The above provisions of the bill would become operative on January 1 of the year following the year in which the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002.

Existing law provides that upon conviction for a crime pertaining to an election for which no fine is prescribed, the court may impose, in addition to any prescribed imprisonment, a fine on the offender of not more than \$1,000 for a misdemeanor or \$10,000 for a felony.

This bill would increase the amount of that fine for a felony to \$25,000.

By creating a new crime and new duties for local elections officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2107 of the Elections Code is amended to read:

2107. (a) Except as provided in subdivision (b) and Article 4.5 (commencing with Section 2170), the county elections official shall accept affidavits of registration at all times except during the 14 days immediately preceding any election, when registration shall cease for that election as to electors residing in the territory within which the election is held. Transfers of registration for an election may be made from one precinct to another precinct in the same county at any time registration is in progress in the precinct to which the elector seeks to transfer.

(b) The county elections official shall accept an affidavit of registration executed as part of a voter registration card in the forthcoming election if the affidavit is executed on or before the 15th day prior to the election, and if any of the following apply:

(1) A mailed affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official before the close of the polls on election day.

(2) The affidavit is submitted to the Department of Motor Vehicles or accepted by any other public agency designated as a voter registration agency pursuant to the federal National Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg) on or before the 15th day prior to the election.

(3) The affidavit is delivered to the county elections official by means other than those described in paragraphs (1) and (2) on or before the 15th day prior to the election.

SEC. 2. Article 4.5 (commencing with Section 2170) is added to Chapter 2 of Division 2 of the Elections Code, to read:

Article 4.5. Conditional Voter Registration

2170. (a) "Conditional voter registration" means a properly executed affidavit of registration, which is delivered by the registrant to a county elections official during the 14 days immediately preceding an election or on election day and which may be deemed effective pursuant to this article after the elections official processes the affidavit, determines the registrant's eligibility to register, and validates the registrant's information, as specified in subdivision (c).

(b) In addition to other methods of voter registration provided by this code, an elector who is otherwise qualified to register to vote under this code and Section 2 of Article II of the California Constitution may complete a conditional voter registration and cast a provisional ballot during the 14 days immediately preceding an election or on election day pursuant to this article.

(c) (1) A conditional voter registration shall be deemed effective if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and that the information provided by the registrant on the registration affidavit matches information contained in a database maintained by the California Department of Motor Vehicles or the federal Social Security Administration.

(2) If the information provided by the registrant on the registration affidavit cannot be verified pursuant to paragraph (1) but the registrant is otherwise eligible to vote, the registrant shall be issued a unique identification number pursuant to Section 2150 and the conditional voter registration shall be deemed effective.

(d) The county elections official shall offer conditional voter registration and provisional voting pursuant to this article, in accordance with the following procedures:

(1) The elections official shall provide conditional voter registration and provisional voting pursuant to this article at all permanent offices of the county elections official in the county.

(2) The elections official shall advise registrants that a conditional voter registration will be effective only if the registrant is determined to be eligible to register to vote for the election and the information provided by the registrant on the registration affidavit is verified pursuant to subdivision (c).

(3) The elections official shall conduct the receipt and handling of each conditional voter registration and offer and receive a corresponding provisional ballot in a manner that protects the secrecy of the ballot and allows the elections official to process the registration, to determine the registrant's eligibility to register, and to validate the registrant's information before counting or rejecting the corresponding provisional ballot.

(4) After receiving a conditional voter registration, the elections official shall process the registration, determine the registrant's eligibility to register, and attempt to validate the information.

(5) If a conditional registration is deemed effective, the elections official shall include the corresponding provisional ballot in the official canvass.

(e) The county elections official may offer conditional voter registration and provisional voting pursuant to this article on election day at satellite offices of the county elections office, in accordance with the procedures specified in paragraphs (2) to (5), inclusive, of subdivision (d).

2171. (a) A conditional voter registration accepted under this article shall include the information required by Article 4 (commencing with Section 2150).

(b) A conditional voter registration accepted under this article shall be processed in accordance with general voter registration procedures provided in this chapter and established by regulations adopted by the Secretary of State.

(c) A provisional ballot cast under this article shall be subject to the requirements for provisional voting in Article 5 (commencing with Section 14310) of Chapter 3 of Division 14.

2172. (a) The elections official shall cancel any duplicate voter registrations that may exist as a result of a conditional registration deemed effective and shall cancel the duplicate registrations in accordance with Chapter 3 (commencing with Section 2200).

(b) If it appears that a registrant may have committed fraud within the meaning of Section 18560, the elections official shall immediately notify in writing both the district attorney and the Secretary of State.

2173. (a) Notwithstanding any other law, a person who commits fraud in the execution of a conditional voter registration pursuant to this article shall be punishable by imprisonment in the county jail for up to one year, or a fine up to twenty-five thousand dollars (\$25,000), or by both that fine and imprisonment.

(b) In addition to the criminal penalties prescribed in subdivision (a), a person who commits fraud in the execution of a conditional voter registration pursuant to this article shall be subject to a civil fine of an amount up to twenty-five thousand dollars (\$25,000). An action for a civil penalty under this subdivision may be brought by the Secretary of State or any public prosecutor with jurisdiction.

(c) Nothing in this section shall preclude the prosecution of a person under any other applicable provision of law.

SEC. 3. Section 14310 of the Elections Code is amended to read:

14310. (a) At all elections, a voter claiming to be properly registered, but whose qualification or entitlement to vote cannot be immediately established upon examination of the index of registration for the precinct or upon examination of the records on file with the county elections official, shall be entitled to vote a provisional ballot as follows:

(1) An elections official shall advise the voter of the voter's right to cast a provisional ballot.

(2) The voter shall be provided a provisional ballot, written instructions regarding the process and procedures for casting the ballot, and a written affirmation regarding the voter's registration and eligibility to vote. The written instructions shall include the information set forth in subdivisions (c) and (d).

(3) The voter shall be required to execute, in the presence of an elections official, the written affirmation stating that the voter is eligible to vote and registered in the county where the voter desires to vote.

(b) Once voted, the voter's ballot shall be sealed in a provisional ballot envelope, and the ballot in its envelope shall be deposited in the ballot box. All provisional ballots voted shall remain sealed in their envelopes for return to the elections official in accordance with the elections official's instructions. The provisional ballot envelopes specified in this subdivision shall be of a color different than the color of, but printed substantially similar to, the envelopes used for vote by mail ballots, and shall be completed in the same manner as vote by mail envelopes.

(c) (1) During the official canvass, the elections official shall examine the records with respect to all provisional ballots cast. Using the procedures that apply to the comparison of signatures on vote by mail ballots, the elections official shall compare the signature on each provisional ballot envelope with the signature on the voter's affidavit of registration. If the signatures do not compare or the provisional ballot envelope is not signed, the ballot shall be rejected. A variation of the signature caused by the substitution of initials for the first or middle name, or both, shall not invalidate the ballot.

- (2) (A) Provisional ballots shall not be included in any semiofficial or official canvass, except under one or more of the following conditions:
- (i) The elections official establishes prior to the completion of the official canvass, from the records in his or her office, the claimant's right to vote.
 - (ii) The provisional ballot has been cast and included in the canvass pursuant to Article 4.5 (commencing with Section 2170) of Chapter 2 of Division 2.
 - (iii) Upon the order of a superior court in the county of the voter's residence.
- (B) A voter may seek the court order specified in this paragraph regarding his or her own ballot at any time prior to completion of the official canvass. Any judicial action or appeal shall have priority over all other civil matters. No fee shall be charged to the claimant by the clerk of the court for services rendered in an action under this section.
- (3) The provisional ballot of a voter who is otherwise entitled to vote shall not be rejected because the voter did not cast his or her ballot in the precinct to which he or she was assigned by the elections official.
- (A) If the ballot cast by the voter contains the same candidates and measures on which the voter would have been entitled to vote in his or her assigned precinct, the elections official shall count the votes for the entire ballot.
- (B) If the ballot cast by the voter contains candidates or measures on which the voter would not have been entitled to vote in his or her assigned precinct, the elections official shall count only the votes for the candidates and measures on which the voter was entitled to vote in his or her assigned precinct.
- (d) The Secretary of State shall establish a free access system that any voter who casts a provisional ballot may access to discover whether the voter's provisional ballot was counted and, if not, the reason why it was not counted.
- (e) The Secretary of State may adopt appropriate regulations for purposes of ensuring the uniform application of this section.
- (f) This section shall apply to any vote by mail voter described by Section 3015 who is unable to surrender his or her unvoted vote by mail voter's ballot.

(g) Any existing supply of envelopes marked "special challenged ballot" may be used until the supply is exhausted.

SEC. 4. Section 18001 of the Elections Code is amended to read:

18001. Upon a conviction for any crime punishable by imprisonment in any jail or prison, in relation to which no fine is herein prescribed, the court may impose a fine on the offender not exceeding one thousand dollars (\$1,000) in cases of misdemeanors or up to twenty-five thousand dollars (\$25,000) in cases of felonies, in addition to the imprisonment prescribed.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 6. Sections 1 to 3, inclusive, of this bill shall become operative on January 1 of the year following the year in which the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.).

EXHIBIT B



NEWS RELEASE

CALIFORNIA SECRETARY OF STATE ALEX PADILLA

AP16:127

FOR IMMEDIATE RELEASE

September 26, 2016

CONTACT: Sam Mahood

(916) 653-6575

Secretary of State Padilla Certifies VoteCal Statewide Voter Registration Database

SACRAMENTO – Secretary of State Alex Padilla has certified VoteCal as the system of record for voter registration in California. VoteCal is California’s statewide, centralized voter registration database, connecting all 58 counties with the Secretary of State’s office. The statewide database will improve the voter registration process.

“VoteCal modernizes the California voter experience,” Secretary of State Padilla said. “Through VoteCal, California citizens can now visit one website to verify the status of their voter registration, find their polling place, and beginning this November check if their vote-by-mail or provisional ballot was counted. VoteCal allows elections officials to continue improving the voter experience in future elections.”

“I will continue working with county elections officials to ensure that the security and performance of VoteCal is working as designed. Connecting all 58 counties through VoteCal will help elections officials throughout the state accurately and efficiently maintain voter rolls,” Padilla added.

“This project is over a decade in the making, but it will pay dividends for California voters for years to come,” Padilla added. “VoteCal will enable many improvements in future elections, including Election Day voter registration and the New Motor Voter Act.”

The Help America Vote Act (HAVA) of 2002 has required all states to implement a single, uniform, centralized, computerized statewide voter registration system. VoteCal finally fulfills that requirement.

“My Voter Status” Website

Californians now have access to a one-stop online hub allowing them to:

- Register to vote
- Check their voter registration status
- Find their polling place
- Beginning with the November 8, 2016 General Election, check if their vote-by-mail or provisional ballot was counted by their county elections official and, if it was not, why not
- Opt-out of being mailed the state Voter Information Guide

The “My Voter Status” website is available at: <https://voterstatus.sos.ca.gov/>

Same Day Voter Registration

Beginning in 2017, elections officials will offer Californians the opportunity to register to vote on Election Day in their county office.

Security & Testing

VoteCal underwent lengthy exercises and testing—including security audits, accuracy testing, and a performance review of the system in simulated-election environments.

VoteCal employs multilayer security measures at both the state and county levels. To access voter registration data through VoteCal, county elections officials and staff must meet security protocols put in place by the state.

Pre-Registration of 16- and 17-year-olds

Previously, only 17-year-olds who would be 18 on or before the next Election Day could pre-register to vote.

The certification of VoteCal will allow 16- and 17-year-olds to “pre-register” to vote. These voter registrations will become active once the citizen has turned 18.

Sixteen- and 17-year-olds seeking to pre-register will initially be limited to using paper forms. Online pre-registration will be enabled after the November 8, 2016 General Election.

Opting Out of the Paper Version of the State Voter Information Guide

Through the “My Voter Status” portal on the Secretary of State’s website, Californians will now be able to opt-out of receiving the state Voter Information Guide in the mail. Californians who opt-out of the paper guide, will instead receive an electronic notification when the guide is available online. Please note that the Voter Information Guide is mailed by household. If a household has more than one registered voter, and only one voter opts out of receiving the guide, the household will still be mailed a Voter Information Guide.

###

Follow the California Secretary of State on [Twitter](#) and [Facebook](#).

EXHIBIT C



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

1500 11th Street, 5th Floor, Sacramento, CA 95814 | Tel 916.657.2166 | Fax 916.653.3214 | www.sos.ca.gov

January 17, 2017

County Clerks/Registrar of Voters (CC/ROV) Memorandum #17007

TO: All County Clerks/Registrars of Voters

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

RE: Voter Registration: Conditional Voter Registration

Conditional Voter Registration (CVR) was enacted in 2012, to be operative on January 1 following the certification of VoteCal. (Assembly Bill 1436 (Feuer), Chapter 497, Statutes of 2012.) VoteCal was certified on September 26, 2016, therefore CVR became operative January 1, 2017. CVR is found in Elections Code sections 2170 through 2173.

What is CVR?

CVR allows for a registrant to cast a conditional provisional ballot when the registrant delivers to the county elections office a properly executed affidavit of registration during the period of E-14 through and including Election Day. The conditional voter registration must include all of the information required for "regular" registrations. (Elections Code sections 2170(a), 2171(a).)

The registration is deemed effective once the county elections official processes the affidavit, determines the registrant's eligibility to register, and validates the registrant's information before or during the canvass period.

How does CVR Work?

A conditional voter registration shall be processed in the same manner as "regular" registrations. (Elections Code section 2171(b).) For a conditional voter registration to be deemed effective, the information provided by the registrant on the registration affidavit must match information maintained by the Department of Motor Vehicles or the federal Social Security Administration, otherwise the registrant is issued a unique identification number. (Elections Code section 2170(a), (c).)

A person can register to vote and cast a conditional provisional ballot during the period of E-14 through and including Election Day. (Elections Code section 2170(b).) These “CVR provisional ballots” are subject to the same requirements as other provisional ballots. (Elections Code section 2171(c).)

Aside from CVR, only certain military and overseas voters, new residents, and new citizens can register to vote and vote after the 15-day close of registration deadline. (Elections Code sections 3108, 3400, 3500.) And only new citizens and certain military and overseas voters can register and vote up through Election Day. (Elections Code sections 3108, 3500.) The only difference is that these voters are given a regular ballot (i.e., non-provisional ballot) to vote.

Does CVR Apply to All Elections?

Conditional voter registration is available for all statewide elections, and any local elections that are administered by a county elections official. Conditional voter registration is not available in local elections that are administered by a local elections official.

County Duties under the Elections Code

In addition to processing affidavits, determining the registrant’s eligibility to register, and attempting to validate the registrant’s information before or during the canvass period, county elections officials must provide conditional voter registration and conditional provisional voting at all permanent offices of the county elections official. (Elections Code section 2170(d).) Moreover, the county elections official may offer conditional voter registration and conditional provisional voting at satellite offices of the county elections office. (Elections Code section 2170(e).)

The elections official must advise registrants that a conditional voter registration will be effective only if the registrant is determined to be eligible to register to vote for the election and the information provided by the registrant on the registration affidavit is verified. (Elections Code section 2170(d)(2).)

Additionally, the elections official must handle conditional voter registrations and resulting conditional provisional ballots as they do other registrations and provisional ballots: in a manner that protects the secrecy of the ballot and allows the elections official to process the registration, determine the registrant’s eligibility to register, and validate the registrant’s information before counting or rejecting the corresponding provisional ballot. If a conditional registration is deemed effective, the elections official shall include the corresponding conditional provisional ballot in the official canvass. (Elections Code section 2170(d).)

If there are duplicate voter registrations that exist as a result of a conditional registration deemed effective, the county elections official shall cancel the previous registration(s) according to normal procedures. (Elections Code section 2172(a).)

Fraud

If it appears that a registrant may have committed fraud within the meaning of Elections Code section 18560, the elections official shall immediately notify in writing both the district attorney and the Secretary of State. (Elections Code section 2172(b).)

Notwithstanding any other law, a person who commits fraud in the execution of a conditional voter registration shall be punishable by imprisonment in the county jail for up to one year, or a fine up to twenty-five thousand dollars (\$25,000), or both. Additionally, a person who commits fraud in the execution of a conditional voter registration shall be subject to a civil fine of an amount up to twenty-five thousand dollars (\$25,000). An action for a civil penalty may be brought by the Secretary of State or any public prosecutor with jurisdiction. (Elections Code section 2173(a), (b).)

CVR Guidance Document

The VoteCal team, with the assistance of the CACEO Business Process Committee, created and finalized a CVR guidance document, which outlines the business processes associated with VoteCal and CVR. The CVR guidance document is attached to this CCROV.

CACEO CVR Committee's FAQs

The CACEO CVR Committee gathered together to work through the Elections Code and numerous scenarios under CVR. The end result was a deeper understanding of how CVR will work in a single county election (i.e., a municipal election conducted by a county) in comparison to an election covering more than one county (i.e., a multi-jurisdictional municipal election conducted by more than one county and a statewide election). This committee created Frequently Asked Questions (FAQs) that are attached to this CCROV.

Other Issues

Some issues that were not addressed in the FAQs are set forth below:

- **Q:** Will CVR voters use the same Voter Registration Form as other voters?

A: Yes.

- **Q:** Will the CVR provisional ballot envelopes look different than other provisional ballot envelopes?

A: The CVR provisional ballot envelopes should look visibly different from other provisional ballot envelopes. Ideally, the CVR provisional ballot envelope would be a different colored envelope, however, a stamp or other marking mechanism would work in the short-term.

- **Q:** If there are satellite locations, would there need to be print-on-demand ballots and precincting abilities/access to the county's local Election Management System (EMS)?

A: Yes, otherwise, the satellite location must have all ballot styles available in addition to the county EMS to conditionally register a voter.

If a county intends to use a satellite office(s) for CVR, the county should notify the Secretary of State no later than 14 days prior to the election. The Secretary of State will post that information on the Secretary of State website.

If you have any questions regarding implementation, please contact Rachelle Delucchi at Rachelle.Delucchi@sos.ca.gov or Robbie Anderson at Robbie.Anderson@sos.ca.gov.

If you have any technical questions, please contact the VoteCal Help Desk at (888) 868-3225 or via email at VoteCalHelp@sos.ca.gov.

Frequently Asked Questions CACEO CVR Committee

General

1. What is the definition of a CVR voter?

Answer: A CVR voter is someone who registers and is issued a CVR provisional ballot E-14 through Election Day in the office of the county elections official or at a satellite location designated by the county elections official.

2. Can a polling place be a satellite location designated by the county elections official for CVR?

Answer: No.

3. Is CVR allowed at a polling place?

Answer: No. CVR voters must register and vote a CVR provisional ballot at the permanent office of the county elections official or a designated satellite office. However, pursuant to Elections Code section 14311(a), a voter who has moved from one address to another within the same county and who has not reregistered to vote at that new address may cast a vote (i.e., polling place provisional) at the polling place at which he or she is entitled to vote.

4. Should a CVR voter ever be added to the polling place official roster?

Answer: No. The CVR voter must vote a CVR provisional ballot in the office of the county elections official or at a satellite location designated by the county elections official.

5. The voter registration for a CVR voter has not been verified through VoteCal/EMS. Should the CVR voter be issued a CVR provisional ballot without verification?

Answer: Yes. The CVR provisional ballot will not be counted until the verification process is complete and all voter eligibility requirements are met.

6. Is a person allowed to take the voter registration form with them to complete and return at a later date?

Answer: Yes. If the person returns the voter registration form in person by Election Day, it will be processed and a CVR provisional ballot will be issued at that time. If the person returns the voter registration form after Election Day, the registration will be processed for future elections.

7. Can a person register by any means, including online, E-14 through Election Day at home and then come into the county elections office and request a CVR provisional ballot?

Answer: Yes. Elections Code section 2170(a) requires the CVR registrant to deliver a properly executed affidavit of registration to the county elections official. A registrant who registers online is effectively delivering the affidavit to the county elections official. As long as the county elections official has the properly executed affidavit of registration, a CVR provisional ballot can be issued.

If the person submitted the application online and it has not been processed, is pending a signature, or is otherwise not readily accessible to the county elections official when the person goes into the county elections office, the elections official may ask the person to complete a paper application in the office.

8. Can a person register online E-14 through Election Day and request a CVR provisional ballot be sent to them in the mail (similar to a voter already registered requesting a VBM ballot)?

Answer: No. The CVR voter must be issued a CVR provisional ballot in the office of the county elections official or designated satellite location on or before Election Day.

9. A person submits a registration containing a residence address that can't be immediately precincted. This scenario could include voters who do not have a permanent residence (e.g., homeless). How does the county elections official determine the correct ballot type to issue?

Answer: This scenario could occur now for a voter registering and requesting a VBM ballot at E-29 through E-15. County elections officials should already have an internal procedure established to cover this scenario. If the correct precinct can't be immediately established, the county elections official may determine the ballot type based on the

general location within the county of the voter's residence address (this assumes the voter is at the counter to question). Prior to the CVR provisional ballot being counted, the county elections official must determine the correct precinct and the CVR provisional ballot verified pursuant to Elections Code section 14310.

10. A CVR voter is currently registered at a different address in the same county or in another county. Is this a failsafe voter under the provisions of Elections Code section 14311, which allow provisional voting at a polling place or the county elections office on Election Day?

Answer: No. Any voter that registers E-14 through Election Day in the office of the elections official or satellite location is a CVR voter. A CVR voter that registers for any reason is given a CVR provisional ballot at the office of the county elections official or designated satellite location.

11. A CVR voter's record is identified in VoteCal/EMS and the record has been appropriately canceled. Should a CVR provisional ballot be issued?

Answer: Yes. If the only record on the voter is a canceled record, it is as if the voter was not registered. Any voter who has a registration in canceled status may register E-14 through Election Day at the office of the county elections official or a designated satellite location and receive a CVR provisional ballot.

12. With voter registration now being continuous E-14 through Election Day – what is the need for the 15-day cutoff for regular registrations?

Answer: The 15-day cutoff is still important for determining which voters are to be included on polling place rosters. Voters who register by the 15-day close of registration will be included on the official roster and are allowed to vote at the polls. Voters who register at the county elections office or a designated satellite location E-14 through Election Day are CVR voters and must vote a CVR provisional ballot.

13. A voter is issued a Democratic party VBM ballot at E-29 days and that ballot has an "Accepted"¹ ballot return status in VoteCal/EMS. At E-14 the voter completes a CVR changing their party to Republican in the same

¹ For purposes of this memo, when indicating that a ballot has been accepted, the term "accepted" is when a ballot is returned and is essentially ready to be opened and counted. A vote-by-mail ballot/provisional ballot is considered "accepted" when it is returned in a signed envelope and the signature is deemed valid/good. As a rule, the first ballot in and "accepted" will be counted; all subsequent ballots will be rejected.

county. This scenario could also occur when a CVR voter changes their party registration in another county. Should the elections officials retrieve the "Accepted" Democratic ballot and clear/void the "Accepted" ballot return status in VoteCal/EMS?

Answer: No. Once the voter has an "Accepted" ballot return status in any county, that ballot has been cast and cannot be retrieved. This process is consistent with voters processed at the polling place. Once the ballot has been dropped in the ballot box - the ballot cannot be retrieved.

14. A CVR voter completes a voter registration and the VoteCal/EMS indicates that the voter has been issued a Vote-by-Mail (VBM) ballot in County A. Should County B issue a CVR provisional ballot to the voter?

Answer: Yes. Many voters have permanent VBM status and these ballots are mailed as early as E-29.

15. A CVR voter has a VBM ballot return status of "Accepted" in VoteCal/EMS from County A. Should County B issue the voter a CVR provisional ballot?

Answer: County B should tell the voter that they have already voted in County A. If the voter insists – County B may issue a provisional ballot to the voter – but it will not be counted.

Elections Code section 14312 states, "this article shall be liberally construed in favor of the voter." County election officials have relied on this section to lean in favor of the voter by providing a provisional ballot and making the final determination during the official canvass. This eliminates unnecessary confrontation and reduces the potential for disenfranchising a voter. This is how poll workers have been instructed. This practice should be extended to the voters at county elections office counters or designated satellite locations for CVR provisional ballots.

16. A CVR voter has multiple CVR registrations across different counties at E-14 through Election Day. When will the older registrations be canceled?

Answer: Previous registrations are cancelled in VoteCal/EMS immediately. VoteCal/EMS only allows a single record per voter and records are updated in real time.

CVR Provisional Ballot Return

17. When should CVR provisional ballot returns be entered into VoteCal/EMS?

Answer: CVR provisional ballots should be entered into VoteCal/EMS immediately upon return by the voter.

18. A voter returns a VBM ballot from County A and a CVR provisional ballot from County B. Which ballot should be counted?

Answer: The first county with the ballot return status of "Accepted" in VoteCal/EMS will count that ballot.

Scenario 1: If the VBM ballot is returned before the voter's registration has moved from County A to B, then the VBM ballot will be marked accepted in the County A's EMS and its status sent to VoteCal. This accepted ballot then causes the CVR provisional ballot to be challenged when it is received in County B.

Scenario 2: If the VBM ballot is returned after the voter's registration has moved from County A to County B, then the VBM will be flagged by the EMS when it is processed because the voter's registration in County A is now cancelled. County A can then investigate whether the voter has already cast a ballot in County B. If not, County A can accept the VBM ballot; if a ballot has already been accepted in County B, then the VBM ballot in County A is voided and cannot be accepted in County A.

Scenario 3: Once the voter's registration has moved to County B, then County B will have all of the voter participation history and will be able to make a determination of whether or not to accept the CVR provisional ballot when it is received.

19. A voter in County A is issued and votes a VBM ballot. The voter moves to County B at E-14 and registers as a CVR voter and is issued a CVR provisional ballot. The voter insists that his/her ballot in County B be counted (wants to vote on the issues in his/her new county). Can the CVR provisional ballot in County B be counted instead of the VBM ballot in County A?

Answer: Yes - if the CVR provisional ballot in County B is entered with an "Accepted" ballot return status in VoteCal/EMS prior to the VBM ballot in County A being entered with an "Accepted" ballot return status. These ballots follow the same scenarios detailed in Question/Answer 18.

20. A voter is registered in County A and is not a VBM voter. County A generates the official roster for their polling places. The voter's name is included on the roster for County A. Subsequently the same voter registers in County B at E-6 and is issued a CVR provisional ballot. The CVR provisional ballot is returned by the voter and entered into VoteCal/EMS in County B. How will election officials ensure that the voter does not return to County A and cast a second ballot by voting at the polls?

Answer: When the voter returns the CVR provisional ballot in County B, and the return information is entered into the county's EMS, the EMS in County B will flag the returned CVR provisional ballot as challenged (red light) with a possible duplicate voting status. County A will receive a report of all poll based voters (non-VBM) who have reregistered in another county and had their registrations cancelled in County A. In this scenario, County A should establish internal procedures to remove the voter's name from the roster index at the polls whenever possible. The frequency and timing of this procedure should be determined by the county elections official.

During the canvass, County B will need to research voter activity in County A to confirm that a ballot was not cast at the polls and make the determination of whether to count the CVR provisional ballot. Once voter history is final statewide, VoteCal/EMS will identify the voters who have voted twice.

21. Under what scenarios will a county elections official be required to conduct further research in order to accept a CVR provisional ballot?

Answer:

- The voter is listed on an official roster in the same or other counties.
- The CVR provisional ballot envelope is not signed.
- The voter is not a high confident match in VoteCal.

22. Under what scenarios will a county elections official not accept a CVR provisional ballot?

Answer:

- The voter has already returned an "Accepted" VBM or CVR provisional ballot in the same or other counties.
- The voter voted at a poll in the same or other county.
- The signature on the CVR provisional envelope does not match the signature on the registration affidavit.

- The voter's record is in a pending status pursuant to California Administrative Code section 20108.25 (Deficient Registration Records) and Elections Code section 2150, which means that the registration does not contain the facts necessary to determine eligibility to vote, including name, place of residence and date of birth.
- A provisional ballot was processed and accepted in the same or another county.

23. A voter is issued a VBM ballot in County A. This voter then registers as a CVR voter in County B and votes the CVR provisional ballot. The CVR provisional ballot in County B is accepted and counted as the registration in County A is cancelled and the unreturned VBM ballot is voided. The voter then returns to County A on Election Day, goes to the polls, surrenders the VBM ballot and votes a live ballot. What should be done in this situation?

Answer: The voter should be referred to the District Attorney for voting twice.

24. If a CVR voter attempts to vote twice, does County A or County B make the referral for prosecution?

Answer: The County in which the voter cast the second ballot would make the referral.

25. After the close of registration, the elections official continues to process timely registrations that are received in the office of the county elections official on or before E-15 or that are postmarked by E-15. The county elections official generates official rosters for polling places sometime between E-14 and Election Day. If the registrations for CVR voters are being processed E-14 through Election Day, how does VoteCal/EMS ensure that the names of the CVR voters are not included in the official rosters for polling places?

Answer: The EMS can then provide a list of cancelled registrations to be removed from the official poll rosters prior to Election Day. Voters who re-register on Election Day may still be on the official roster for the poll on Election Day. These voters' CVR provisional ballots will need to be researched as indicated directly above.

26. Can a county begin processing and counting CVR provisional ballots prior to Election Day in a manner similar to how VBM ballots are processed prior to Election Day?

Answer: Yes. Current law allows for CVR provisional ballots to be processed and counted in accordance with the vote-by-mail provisions of the Elections Code commencing with section 15100, which allows for vote-by-mail ballots to be processed beginning on the 10th business day prior to the election.

27. Can cities/municipalities who conduct their own election do CVR?

Answer: No. Elections Code section 2170 specifically refers to the county elections official.

28. A permanent VBM voter is issued a VBM ballot at E-29 in a presidential primary election. The voter returns the VBM ballot and it is entered into VoteCal/EMS with an "accepted" ballot return status at E-20. The voter then reregisters (in the same county) at E-14 under a different political party and insists that he/she be allowed to cast a ballot with the new political party status. Should the county elections official attempt to retrieve the previously voted and accepted VBM ballot and have it voided so that the E-14 CVR provisional ballot can be counted?

Answer: No. The VBM ballot received at E-20 has already been cast and should not be removed from the population of received ballots. The voter may be issued a CVR provisional upon registering at E-14, but the ballot will not be counted as the voter has already cast a ballot in this election.



Guidance: Conditional Voter Registration

Issuance Date: December 16, 2016

Revision Date: January 17, 2017

Page 1 of 4

On January 1, 2017, Assembly Bill (AB) 1436, the conditional voter registration (CVR) law, goes into effect. CVR allows a person to register to vote between E-14 through Election Day and to cast a CVR provisional ballot that will only be counted if the conditional voter registration is deemed effective. Registrants may visit a county election official's permanent office through (and including) Election Day to conditionally register to vote, obtain, and cast a CVR provisional ballot. Additionally, on Election Day county election officials may also offer conditional voter registration and voting at satellite offices (a polling place is not considered a satellite office).

The California Association of Clerks and Elections Officials (CACEO) developed a CVR FAQ (frequently asked questions) document providing additional information and highlighting specific scenarios for processing conditional voter registrations and provisional ballots. Please reference the FAQ document for additional information on CVR processing.

CVR Implementation Schedule

The CACEO CVR subcommittee, VoteCal Business Process Committee (BPC), VoteCal project team, and Election Management System (EMS) vendors have collaborated on an implementation plan for CVR. The proposed approach and schedule for implementing CVR occurs over three phases:

- Phase I – January 1, 2017. Phase I includes the minimum requirements to comply with AB 1436.
- Phase II – estimated completion by June 2017. It is anticipated Phase II will include a method of determining ballot adjudication status for other counties and a validation check from the EMS to VoteCal to determine if a CVR provisional ballot should be accepted.
- Phase III – estimated completion by December 2017. It is anticipated that Phase III will include:
 - A validation check to VoteCal to determine if a ballot has been issued/accepted for a voter.
 - Preventing a ballot from being issued should a ballot already been issued/accepted for a voter.
 - Modifying the EMSs to display a message indicating a ballot has been issued/accepted for the voter.

Phase I Implementation

This document provides guidance on Phase I. Additional guidance documents for Phases II and III will be provided closer to their completion dates.

Phase I CVR VoteCal system updates include:

- Addition of a new voting method, "Conditional Voter Registration (CVR)"
- Implementation of standard CVR ballot reject reasons:
 - Voter already voted
 - No voter signature



Guidance: Conditional Voter Registration

Issuance Date: December 16, 2016

Revision Date: January 17, 2017

Page 2 of 4

- Non-matching signature
 - Ballot missing from envelope
 - Envelope was incomplete and/or illegible
 - Please contact your county for further information
 - (Other codes with multiple reasons)
 - In Review
- Addition of a new message on the online registration confirmation page of the VoteCal public access website advising voters registering between E-14 and E to visit their local county elections office to obtain a CVR provisional ballot.
 - Addition of CVR provisional ballots as a voting method on the Secretary of State's My Voter Status Page
 - Addition of CVR provisional ballot status and reasons on the provisional ballot page of the VoteCal public access website.

Phase I CVR EMS updates include:

- Addition of a report that identifies all CVR voters moving in or out of the county during the CVR timeframe. This report provides a list of voters who were registered in one county on E-15; then between E-14 and E they registered and cast a CVR provisional ballot in another county. Counties should generate and provide this list to the polling places as close to the election as possible so CVR provisional ballot voters are crossed off the rosters.
- The ability to send ballot processing status information to VoteCal in near real time (immediately)
- Addition of conditional voter registration voting method for EMS users for ballot status and voter participation
- Immediately store and send to VoteCal accepted and rejected status for CVR provisional ballots
- Immediately store and send to VoteCal reject reasons for rejected CVR provisional ballots
- The ability to view ballot status, for a voter, when conducting a statewide search (DIMS)
- The ability to store ballot status information for a voter, for an election (DFM)

Guidance

Voters requesting to register and vote beginning E-14 through E can register online and walk into the county elections office or they can complete a hardcopy affidavit and bring it into the county elections office or a designated satellite location. Staff enters/reviews the conditional voter registration and determines if the voter is eligible to receive a CVR provisional ballot. If the registrant is provided with and returns the CVR provisional ballot, the CVR provisional ballot should be entered into VoteCal/EMS immediately upon its return by the voter. If the ballot is returned on Election Day, the CVR provisional ballot should be held and not processed until all counties have posted poll book history.



Guidance: Conditional Voter Registration

Issuance Date: December 16, 2016

Revision Date: January 17, 2017

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Before providing a CVR provisional ballot, county staff should perform the following assessment:

	Yes	No
Is the registrant known to the local EMS?	Advise registrant of current voter status and follow local procedures	Determine if the registrant exists in VoteCal
Is the registrant known to VoteCal?	Perform list maintenance activities as necessary and verify the voter has not already returned a vote-by-mail ballot and/or does not have voter participation history prior to processing a CVR ballot (see chart below)	Provide CVR ballot.

(Review the CVR FAQ for specific scenarios documenting when it is appropriate to provide a CVR provisional ballot)

VoteCal provides an opportunity to prevent the processing of a second ballot by researching the voter’s participation history before processing the ballot. If the research reveals an accepted ballot or voter participation history, for the current election, the ballot being researched should NOT be counted. In other words, the first ballot sent up to VoteCal for a particular voter should count (“First-in wins”).

In order to facilitate accurate and timely processing of CVR provisional ballots, the BPC and the SOS recommend county elections officials:

1. Immediately process and send vote-by-mail (VBM) ballot history to VoteCal
2. Complete processing poll book history on or before E+14

Before processing and accepting a CVR provisional ballot that was cast on Election Day, verify that polling place history for any county the voter was previously registered in has been processed. County elections officials should perform the following assessment prior to processing a CVR provisional ballot:

Assessment	Yes	No
1. Are there any VoteCal messages for the voter? (Potential deceased, felon, or duplicate match or merge voter determine survivor)	Perform list maintenance activities, when complete go to #2.	Go to #2



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Assessment	Yes	No
2. Is there voter participation history? (A polling place ballot, accepted or counted vote-by-mail ballot, accepted CVR provisional ballot in another county, or accepted provisional ballot in another county for this election)	Reject the CVR provisional ballot and identify reason in EMS.	As long as the county has verified there is not polling place history, accept the CVR provisional ballot and identify CVR as the voting method.

VoteCal Contact Information

For questions or to report issues contact the SOS VoteCal Help Desk at 888-868-3225 or email VoteCalHelp@sos.ca.gov.

EXHIBIT D

Senate Bill No. 439

CHAPTER 734

An act to amend Sections 2170 and 13004 of, and to add Sections 303.4, 2550, and 13004.5 to, the Elections Code, relating to elections.

[Approved by Governor October 10, 2015. Filed with
Secretary of State October 10, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 439, Allen. Election procedures.

(1) Existing law permits a county elections official to offer conditional voter registration and provisional voting on election day at satellite offices of the county elections office, as specified.

This bill would also allow a county elections official to offer conditional voter registration and provisional voting at satellite offices other than on election day.

(2) Existing law requires each precinct board to keep a roster of voters who voted at the precinct, as specified. Existing law also requires an elections official to furnish to the precinct officers, among other things, printed copies of the index to the affidavits of registration for that precinct.

This bill would require the Secretary of State to adopt and publish electronic poll book standards and regulations governing the certification and use of electronic poll books, as defined. The bill would require that the electronic poll book include specified voter registration data. The bill would prohibit the use of an electronic poll book unless it has been certified by the secretary.

(3) Existing law requires the secretary to adopt regulations (A) governing the manufacture, finishing, quality standards, distribution, and inventory control of ballot cards and (B) requiring the biennial inspection of the manufacturing, finishing, and storage facilities involving ballot cards. Existing law requires the secretary to also approve each ballot card manufacturer or finisher before a manufacturer or finisher provides ballot cards for use in California elections.

This bill would require the secretary to adopt regulations (A) governing ballot on demand systems, as defined, and (B) for purposes of certifying ballot on demand systems. The bill, for commercial ballot manufacturers and finishers, would require the secretary to require a biennial inspection of the certified manufacturing, finishing, and storage facilities. The bill would also require the secretary to approve each ballot on demand system before the system is deployed for use in California elections. The bill would prohibit a jurisdiction from purchasing, leasing, or contracting for, and a vendor, company, or person from selling, leasing, or contracting with a

jurisdiction for, a ballot on demand system unless the ballot on demand system has been certified by the secretary.

The people of the State of California do enact as follows:

SECTION 1. Section 303.4 is added to the Elections Code, to read:

303.4. "Ballot on demand system" means a self-contained system that allows users to do both of the following on an as-needed basis:

- (a) Manufacture and finish card stock.
- (b) Finish unfinished ballot cards into ballot cards.

SEC. 2. Section 2170 of the Elections Code is amended to read:

2170. (a) "Conditional voter registration" means a properly executed affidavit of registration that is delivered by the registrant to the county elections official during the 14 days immediately preceding an election or on election day and which may be deemed effective pursuant to this article after the elections official processes the affidavit, determines the registrant's eligibility to register, and validates the registrant's information, as specified in subdivision (c).

(b) In addition to other methods of voter registration provided by this code, an elector who is otherwise qualified to register to vote under this code and Section 2 of Article II of the California Constitution may complete a conditional voter registration and cast a provisional ballot during the 14 days immediately preceding an election or on election day pursuant to this article.

(c) (1) A conditional voter registration shall be deemed effective if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and that the information provided by the registrant on the registration affidavit matches information contained in a database maintained by the Department of Motor Vehicles or the federal Social Security Administration.

(2) If the information provided by the registrant on the registration affidavit cannot be verified pursuant to paragraph (1) but the registrant is otherwise eligible to vote, the registrant shall be issued a unique identification number pursuant to Section 2150 and the conditional voter registration shall be deemed effective.

(d) The county elections official shall offer conditional voter registration and provisional voting pursuant to this article, in accordance with all of the following procedures:

(1) The elections official shall provide conditional voter registration and provisional voting pursuant to this article at all permanent offices of the county elections official in the county.

(2) The elections official shall advise registrants that a conditional voter registration will be effective only if the registrant is determined to be eligible to register to vote for the election and the information provided by the registrant on the registration affidavit is verified pursuant to subdivision (c).

(3) The elections official shall conduct the receipt and handling of each conditional voter registration and offer and receive a corresponding provisional ballot in a manner that protects the secrecy of the ballot and allows the elections official to process the registration, determine the registrant's eligibility to register, and validate the registrant's information before counting or rejecting the corresponding provisional ballot.

(4) After receiving a conditional voter registration, the elections official shall process the registration, determine the registrant's eligibility to register, and attempt to validate the registrant's information.

(5) If a conditional registration is deemed effective, the elections official shall include the corresponding provisional ballot in the official canvass.

(e) The county elections official may offer conditional voter registration and provisional voting pursuant to this article at satellite offices of the county elections office, in accordance with the procedures specified in paragraphs (2) to (5), inclusive, of subdivision (d).

SEC. 3. Section 2550 is added to the Elections Code, to read:

2550. (a) For purposes of this section, "electronic poll book" means an electronic list of registered voters that may be transported to the polling location. An electronic poll book shall contain all of the following voter registration data:

(1) Name.

(2) Address.

(3) Precinct.

(4) Party preference.

(5) Whether or not the voter has been issued a vote by mail ballot.

(6) Whether or not the vote by mail ballot has been recorded as received by the elections official.

(b) An electronic poll book shall not be used unless it has been certified by the Secretary of State.

(c) The Secretary of State shall adopt and publish electronic poll book standards and regulations governing the certification and use of electronic poll books.

(d) The Secretary of State shall not certify an electronic poll book unless it fulfills the requirements of this section and the Secretary of State's standards and regulations.

SEC. 4. Section 13004 of the Elections Code is amended to read:

13004. (a) The Secretary of State shall adopt regulations governing the manufacture, finishing, quality standards, distribution, and inventory control of ballot cards and ballot on demand systems. For commercial ballot manufacturers and finishers, the Secretary of State shall require a biennial inspection of the certified manufacturing, finishing, and storage facilities. The Secretary of State shall also approve each ballot card manufacturer, finisher, and ballot on demand system before manufacturing or finishing ballot cards, or deploying a ballot on demand system, for use in California elections.

(b) Not later than five working days before the Secretary of State begins his or her initial inspection, the ballot card manufacturer, finisher, or ballot

on demand system vendor shall disclose to the Secretary of State in writing any known flaw or defect in its ballot card manufacturing or finishing process, manufactured or finished ballot cards, or ballot on demand system that could adversely affect the future casting or tallying of votes. Once approved by the Secretary of State, the ballot card manufacturer, finisher, or ballot on demand system vendor shall notify the Secretary of State and the affected local elections officials in writing within two business days after it discovers any flaw or defect in its ballot card manufacturing or finishing process, manufactured or finished ballot cards, or ballot on demand system that could adversely affect the future casting or tallying of votes.

SEC. 5. Section 13004.5 is added to the Elections Code, to read:

13004.5. (a) A jurisdiction shall not purchase, lease, or contract for a ballot on demand system unless the ballot on demand system has been certified by the Secretary of State.

(b) A vendor, company, or person shall not sell, lease, or contract with a jurisdiction for the use of a ballot on demand system unless the ballot on demand system has been certified by the Secretary of State.

(c) This section does not preclude a jurisdiction from conducting research and development of a ballot on demand system. A ballot on demand system that is used for purposes of this subdivision shall not be used in an election conducted pursuant to this code unless the system has been certified by the Secretary of State.

(d) The Secretary of State shall promulgate regulations for purposes of certifying ballot on demand systems.

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EXHIBIT E

Assembly Bill No. 693

CHAPTER 99

An act to amend Section 2170 of the Elections Code, relating to elections.

[Approved by Governor July 12, 2019. Filed with Secretary of
State July 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 693, Berman. Conditional voter registration: voting.

Existing law authorizes an elector who is otherwise qualified to register to vote to complete a conditional voter registration and cast a provisional ballot during the 14 days immediately preceding an election, as prescribed.

This bill would authorize an elections official to offer a nonprovisional ballot to a conditional voter registrant if the official uses the statewide voter registration database developed in compliance with the requirements of the federal Help America Vote Act of 2002 to make certain verifications before issuing the nonprovisional ballot and, if the registrant has been included on a roster for that election in that county, the official updates that roster to indicate that the voter has voted and shall not be issued another nonprovisional ballot for that election.

The people of the State of California do enact as follows:

SECTION 1. Section 2170 of the Elections Code is amended to read:

2170. (a) "Conditional voter registration" means a properly executed affidavit of registration that is delivered by the registrant to the county elections official during the 14 days immediately preceding an election or on election day and which may be deemed effective pursuant to this article after the elections official processes the affidavit, determines the registrant's eligibility to register, and validates the registrant's information, as specified in subdivision (c).

(b) In addition to other methods of voter registration provided by this code, an elector who is otherwise qualified to register to vote under this code and Section 2 of Article II of the California Constitution may complete a conditional voter registration and cast a provisional ballot, or nonprovisional ballot under subdivision (f), during the 14 days immediately preceding an election or on election day pursuant to this article.

(c) (1) A conditional voter registration shall be deemed effective if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and that the information provided by the registrant on the registration affidavit

matches information contained in a database maintained by the Department of Motor Vehicles or the federal Social Security Administration.

(2) If the information provided by the registrant on the registration affidavit cannot be verified pursuant to paragraph (1) but the registrant is otherwise eligible to vote, the registrant shall be issued a unique identification number pursuant to Section 2150 and the conditional voter registration shall be deemed effective.

(d) The county elections official shall offer conditional voter registration and voting pursuant to this article, in accordance with all of the following procedures:

(1) The elections official shall provide conditional voter registration and voting pursuant to this article at all permanent offices of the county elections official in the county.

(2) The elections official shall advise registrants that a conditional voter registration will be effective only if the registrant is determined to be eligible to register to vote for the election and the information provided by the registrant on the registration affidavit is verified pursuant to subdivision (c).

(3) The elections official shall conduct the receipt and handling of each conditional voter registration and offer and receive a corresponding ballot in a manner that protects the secrecy of the ballot and allows the elections official to process the registration, determine the registrant's eligibility to register, and validate the registrant's information before counting or rejecting the corresponding ballot.

(4) After receiving a conditional voter registration, the elections official shall process the registration, determine the registrant's eligibility to register, and attempt to validate the registrant's information.

(5) If a conditional registration is deemed effective, the elections official shall include the corresponding ballot in the official canvass.

(e) The county elections official may offer conditional voter registration and voting pursuant to this article at satellite offices of the county elections office, in accordance with the procedures specified in paragraphs (2) to (5), inclusive, of subdivision (d).

(f) An elections official may offer a nonprovisional ballot to a registrant if the official does both of the following:

(1) Uses the statewide voter registration database developed in compliance with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. 20901 et seq.) to do all of the following before issuing the nonprovisional ballot:

(A) Verify that the registrant is deemed eligible to register to vote.

(B) Verify that the registrant has not voted in the state in that election.

(C) Verify that the registrant has not been included on a roster for that election in another county in the state that is not conducting elections pursuant to Section 4005.

(D) Update the voter's record to indicate that the voter has voted in that election.

(2) If the registrant has been included on a roster for that election in that county, the official updates that roster to indicate that the voter has voted and shall not be issued another nonprovisional ballot for that election.

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EXHIBIT F

Senate Bill No. 72

CHAPTER 565

An act to amend Section 2170 of the Elections Code, relating to elections.

[Approved by Governor October 8, 2019. Filed with Secretary
of State October 8, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 72, Umberg. Conditional voter registration: provisional ballots.

Existing law authorizes an elector who is otherwise qualified to register to vote to complete a conditional voter registration and cast a provisional ballot during the 14 days immediately preceding an election or on election day, as prescribed. A county elections official is required to offer conditional voter registration and provisional voting at all permanent offices of the county elections official in the county in accordance with specified procedures. Existing law also permits the county elections official to offer conditional voter registration and provisional voting at satellite offices of the county elections office.

This bill would specifically require, rather than permit, the county elections official to offer conditional voter registration and provisional voting at all satellite offices of the county elections official and all polling places in the county. If the elections official is able to determine a conditionally registered voter's precinct, and the ballot for that precinct is available, the bill would require the elections official to provide the voter with a ballot for the voter's precinct. If the elections official is unable to determine the conditionally registered voter's precinct, or a ballot for the precinct is unavailable, the bill would require the elections official to provide the voter with a ballot 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.

By requiring county elections officials to offer conditional voter registration and provisional voting at all satellite offices and all polling places, and by imposing additional duties on elections officials with respect to provisional ballots, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would incorporate additional changes to Section 2170 of the Elections Code proposed by AB 693 to be operative only if this bill and AB 693 are enacted and this bill is enacted last.

The people of the State of California do enact as follows:

SECTION 1. Section 2170 of the Elections Code is amended to read:

2170. (a) “Conditional voter registration” means a properly executed affidavit of registration that is delivered by the registrant to the county elections official during the 14 days immediately preceding an election or on election day and which may be deemed effective pursuant to this article after the elections official processes the affidavit, determines the registrant’s eligibility to register, and validates the registrant’s information, as specified in subdivision (c).

(b) In addition to other methods of voter registration provided by this code, an elector who is otherwise qualified to register to vote under this code and Section 2 of Article II of the California Constitution may complete a conditional voter registration and cast a provisional ballot during the 14 days immediately preceding an election or on election day pursuant to this article.

(c) (1) A conditional voter registration shall be deemed effective if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and that the information provided by the registrant on the registration affidavit matches information contained in a database maintained by the Department of Motor Vehicles or the federal Social Security Administration.

(2) If the information provided by the registrant on the registration affidavit cannot be verified pursuant to paragraph (1) but the registrant is otherwise eligible to vote, the registrant shall be issued a unique identification number pursuant to Section 2150 and the conditional voter registration shall be deemed effective.

(d) The county elections official shall offer conditional voter registration and provisional voting pursuant to this article, in accordance with all of the following procedures:

(1) The elections official shall provide conditional voter registration and provisional voting pursuant to this article at all permanent and satellite offices of the county elections official and all polling places in the county.

(2) The elections official shall advise registrants that a conditional voter registration will be effective only if the registrant is determined to be eligible to register to vote for the election and the information provided by the registrant on the registration affidavit is verified pursuant to subdivision (c).

(3) The elections official shall conduct the receipt and handling of each conditional voter registration and offer and receive a corresponding provisional ballot in a manner that protects the secrecy of the ballot and allows the elections official to process the registration, determine the

registrant's eligibility to register, and validate the registrant's information before counting or rejecting the corresponding provisional ballot.

(4) After receiving a conditional voter registration, the elections official shall process the registration, determine the registrant's eligibility to register, and attempt to validate the registrant's information.

(5) If a conditional registration is deemed effective, the elections official shall include the corresponding provisional ballot in the official canvass.

(e) After receiving a conditional voter registration, the elections official shall provide the voter a provisional ballot in accordance with the following procedures:

(1) If the elections office, satellite office, or polling place is equipped with an electronic poll book, or other means to determine the voter's precinct, the elections official shall provide the voter with a ballot for the voter's precinct if the ballot is available. The ballot may be cast by any means available at the elections office, satellite office, or polling place.

(2) If the elections official is unable to determine the voter's precinct, or a ballot for the voter's precinct is unavailable, the elections official shall provide the voter with a ballot 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 pursuant to paragraph (3) of subdivision (c) of Section 14310. The ballot may be cast by any means available at the elections office, satellite office, or polling place.

(3) Notwithstanding paragraph (2), if the elections official is able to determine the voter's precinct, but a ballot for the voter's precinct is unavailable, the elections official may inform the voter of the location of the voter's polling place. A voter described in this paragraph shall not be required to vote at the voter's polling place and may instead, at the voter's choosing, cast a ballot pursuant to paragraph (2).

(4) This subdivision does not apply to elections conducted pursuant to Section 4005 or 4007.

SEC. 1.5 Section 2170 of the Elections Code is amended to read:

2170. (a) "Conditional voter registration" means a properly executed affidavit of registration that is delivered by the registrant to the county elections official during the 14 days immediately preceding an election or on election day and which may be deemed effective pursuant to this article after the elections official processes the affidavit, determines the registrant's eligibility to register, and validates the registrant's information, as specified in subdivision (c).

(b) In addition to other methods of voter registration provided by this code, an elector who is otherwise qualified to register to vote under this code and Section 2 of Article II of the California Constitution may complete a conditional voter registration and cast a provisional ballot, or nonprovisional ballot under subdivision (f), during the 14 days immediately preceding an election or on election day pursuant to this article.

(c) (1) A conditional voter registration shall be deemed effective if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and

that the information provided by the registrant on the registration affidavit matches information contained in a database maintained by the Department of Motor Vehicles or the federal Social Security Administration.

(2) If the information provided by the registrant on the registration affidavit cannot be verified pursuant to paragraph (1) but the registrant is otherwise eligible to vote, the registrant shall be issued a unique identification number pursuant to Section 2150 and the conditional voter registration shall be deemed effective.

(d) The county elections official shall offer conditional voter registration and voting pursuant to this article, in accordance with all of the following procedures:

(1) The elections official shall provide conditional voter registration and voting pursuant to this article at all permanent and satellite offices of the county elections official and all polling places in the county.

(2) The elections official shall advise registrants that a conditional voter registration will be effective only if the registrant is determined to be eligible to register to vote for the election and the information provided by the registrant on the registration affidavit is verified pursuant to subdivision (c).

(3) The elections official shall conduct the receipt and handling of each conditional voter registration and offer and receive a corresponding ballot in a manner that protects the secrecy of the ballot and allows the elections official to process the registration, determine the registrant's eligibility to register, and validate the registrant's information before counting or rejecting the corresponding ballot.

(4) After receiving a conditional voter registration, the elections official shall process the registration, determine the registrant's eligibility to register, and attempt to validate the registrant's information.

(5) If a conditional registration is deemed effective, the elections official shall include the corresponding ballot in the official canvass.

(e) After receiving a conditional voter registration, the elections official shall provide a provisional ballot in accordance with the following procedures:

(1) If the elections office, satellite office, or polling place is equipped with an electronic poll book, or other means to determine the voter's precinct, the elections official shall provide the voter with a ballot for the voter's precinct if the ballot is available. The ballot may be cast by any means available at the elections office, satellite office, or polling place.

(2) If the elections official is unable to determine the voter's precinct, or a ballot for the voter's precinct is unavailable, the elections official shall provide the voter with a ballot 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 pursuant to paragraph (3) of subdivision (c) of Section 14310. The ballot may be cast by any means available at the elections office, satellite office, or polling place.

(3) Notwithstanding paragraph (2), if the elections official is able to determine the voter's precinct, but a ballot for the voter's precinct is

unavailable, the elections official may inform the voter of the location of the voter’s polling place. A voter described in this paragraph shall not be required to vote at the voter’s polling place and may instead, at the voter’s choosing, cast a ballot pursuant to paragraph (2).

(4) This subdivision does not apply to elections conducted pursuant to Section 4005 or 4007.

(f) An elections official may offer a nonprovisional ballot to a registrant if the official does both of the following:

(1) Uses the statewide voter registration database developed in compliance with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. 20901 et seq.) to do all of the following before issuing the nonprovisional ballot:

(A) Verify that the registrant is deemed eligible to register to vote.

(B) Verify that the registrant has not voted in the state in that election.

(C) Verify that the registrant has not been included on a roster for that election in another county in the state that is not conducting elections pursuant to Section 4005.

(D) Update the voter’s record to indicate that the voter has voted in that election.

(2) If the registrant has been included on a roster for that election in that county, the official updates that roster to indicate that the voter has voted and shall not be issued another nonprovisional ballot for that election.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 3. Section 1.5 of this bill incorporates amendments to Section 2170 of the Elections Code proposed by both this bill and AB 693. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2020, (2) each bill amends Section 2170 of the Elections Code, and (3) this bill is enacted after AB 693, in which case Section 1 of this bill shall not become operative.

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EXHIBIT G



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

1500 11th Street, 5TH Floor | Sacramento, CA 95814 | **Tel** 916.657.2166 | **Fax** 916.653.3214 | www.sos.ca.gov

November 20, 2019

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.

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.

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 or at (916) 695-1565.

Attachment

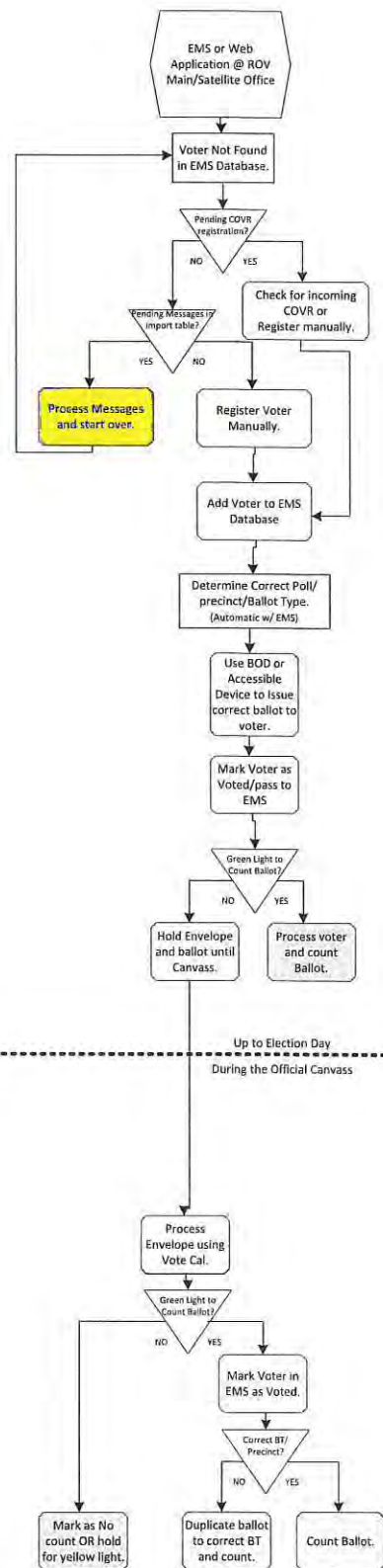
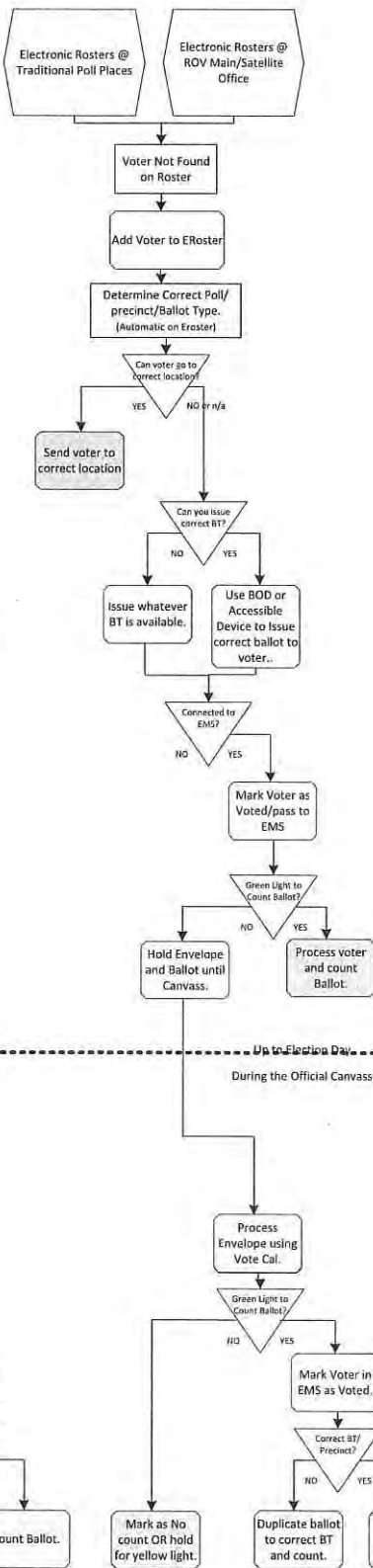
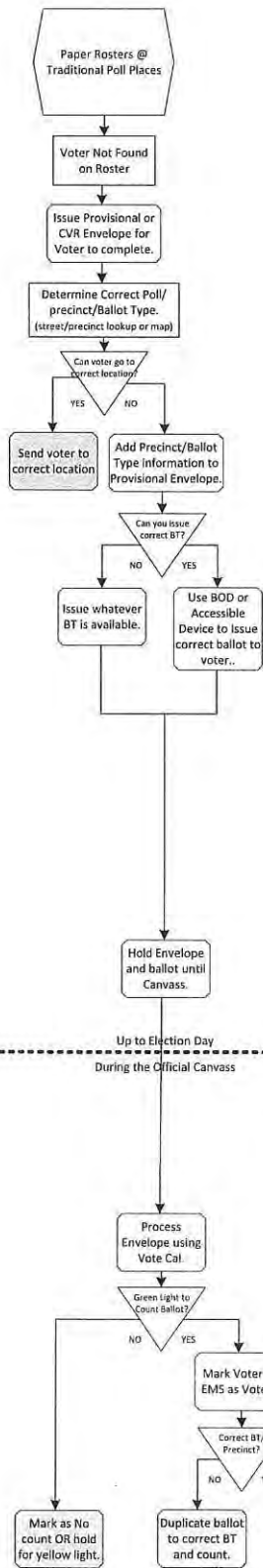


EXHIBIT H



California

LEGISLATIVE INFORMATION

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SB-1371 Maintenance of the codes. (2019-2020)

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Date Published: 10/05/2020 09:00 PM

Senate Bill No. 1371

CHAPTER 370

An act to amend Sections 107, 152, 740, 805.8, 4052.02, 5552.1, 5616, 6400, 6787, 7071.17, 7169, 8030.6, 9882.6, 11267, 19912, 19914, 24045.78, 25503.32, 25622, 25668, and 26001 of the Business and Professions Code, to amend Sections 52.6, 53.5, 1102.2, 1102.6, 1102.6f, 1103.1, 1459.5, 1798.82, 1798.140, 1798.145, and 1946.2 of the Civil Code, to amend Sections 336a, 430.10, 699.520, and 1002.5 of, and to amend and renumber Section 349³/₄ of, the Code of Civil Procedure, to amend Sections 7211, 9211, 12351, and 15911.21 of the Corporations Code, to amend Sections 212.1, 215.5, 231.6, 8280, 8280.1, 8430.5, 8434.6, 8439.5, 8801, 14002, 17070.15, 17070.51, 17219, 38134, 41207.47, 41580, 42238.02, 44212, 44253.10, 44328, 44468, 45113, 45500, 46600, 47604.33, 47605, 47605.1, 47605.3, 47605.7, 47606, 47606.5, 47607, 47607.3, 47607.8, 47611.5, 47612.7, 48600, 48850, 49414.1, 51220, 51226.7, 51747.3, 52064, 52064.5 52065, 56836.40, 56477, 60630, 60641, 66014.2, 66022.5, 66025.9, 66281.7, 68120, 69617, 76004, 78042, 78300, 78401, 79020, 84750.4,

EXHIBIT H

7-55

87489, and 94801.5 of the Education Code, to amend Sections 2170, 3019, 3019.5, 6000.2, 6360, 6581, 6781, and 15620 of the Elections Code, to amend Sections 1010.5 and 1038.2 of the Evidence Code, to amend Sections 3011 and 17306.1 of the Family Code, to amend Section 18027 of the Financial Code, to amend Section 2210 of the Fish and Game Code, to amend Sections 4101.3, 6046, 9221, and 29302 of the Food and Agricultural Code, to amend Sections 6253.21, 6254.35, 6259, 7603, 8586.7, 8592.20, 8654.2, 8654.3, 8654.5, 8654.7, 8654.9, 8654.10, 8669.3, 12832, 12835, 12926, 12950.1, 13070.5, 13293.5, 13957, 14463, 15600, 15820.926, 15820.946, 17581.6, 17581.7, 20683.9, 20683.91, 20825.15, 22874.9, 22944.5, 27361.4, 31631.5, 54221, 54230.5, 54237, 64502, 64623, 64625, 64626, 64636, 64650, 64652, 65039, 65302, 65583.1, 65583.2, 65584.08, 65585, 65651, 65852.2, 65913.4, 66000.5, 66013, 66300, 66452.26, 66452.27, 68085, 68651, 69614.3, 100002, 100046, 100509, and to amend the heading of Article 7 (commencing with Section 12580) of Chapter 6 of Part 2 of Division 3 of Title 2 of, and to amend and renumber the heading of Article 12 (commencing with Section 53170) of Chapter 1 of Part 1 of Division 2 of Title 5, and to amend and renumber the heading of Title 7.9 (commencing with Section 68055) of, the Government Code, to amend Sections 1206, 1348.95, 1358.92, 1368.015, 1385.045, 1502.35, 1596.86, 1797.223, 25160, 25205.15, 39037.5, 39960, 40100.6.5, 50406, 50515.02, 50675.14, 50952, 53594, 116378, 116765, 116770, 120372, 120372.05, and 124241 of the Health and Safety Code, to amend Sections 1067.11, 1192, 10127.19, 10176.11, 10181.3, 10192.92, and 10235.45 of the Insurance Code, to amend Sections 220, 1197.1, 2750.3, 6709, and 9040 of the Labor Code, to amend Sections 55 and 412.5 of the Military and Veterans Code, to amend Sections 647, 4011.3, and 6102 of the Penal Code, to amend Section 15004 of the Probate Code, to amend Section 3502 of the Public Contract Code, to amend Sections 3201, 3202, 3205.7, 4592.5, 4630.1, 21080.27, 25402, 26011.8, 42971, 71205.3, and 75241 of the Public Resources Code, to amend Sections 216, 365.3, 387, 399.13, 399.19, 454.5, 714, 783, 854, 2892.1, 2898, 8386, 8386.3, and 105020 of the Public Utilities Code, to amend Sections 214, 4675, and 41137 of, and to amend and renumber the heading of Article 25 (commencing with Section 18910) of Chapter 3 of Part 10.2 of Division 2 of, the Revenue and Taxation Code, to amend Section 1095 of the Unemployment Insurance Code, to amend Sections 2810.1, 3065.2, 11202, and 34500 of the Vehicle Code, to amend Section 13177.5 of the Water Code, to amend Sections 148.2, 5555, 5886, 11004,

11374, 11450, 11462.015, 11462.04, 11463, 12304.4, 12306.1, 12306.16, 12309.1, 13279, 13280, 14005.18, 14182.17, 14197.7, 14413, 15204.35, 16521.8, 17600.50, 18285, and 18951 of the Welfare and Institutions Code, to amend Section 5.7 of the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session), to amend Section 8 of the Santa Clarita Valley Water Agency Act (Chapter 833 of the Statutes of 2017), to amend Section 69 of Chapter 51 of the Statutes of 2019, to amend Section 2 of Chapter 193 of the Statutes of 2019, to amend Section 2 of Chapter 194 of the Statutes of 2019, to amend Sections 5, 7, 8, 9, and 11 of Chapter 752 of the Statutes of 2019, and to amend Section 1 of Chapter 819 of the Statutes of 2019, relating to the maintenance of the codes.

[Approved by Governor September 30, 2020. Filed with Secretary of State
September 30, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1371, Committee on Judiciary. Maintenance of the codes.

Existing law directs the Legislative Counsel to advise the Legislature from time to time as to legislation necessary to maintain the codes.

This bill would make nonsubstantive changes in various provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 107 of the Business and Professions Code is amended to read:

107. Pursuant to subdivision (e) of Section 4 of Article VII of the California Constitution, each board may appoint a person exempt from civil service, who shall be designated as an executive officer unless the licensing act of the particular board designates the person as a registrar, and may fix that person's salary, with the approval of the Department of Human Resources pursuant to Section 19825 of the Government Code.

(4) This subdivision shall not be construed as preventing the bureau from revoking an institution's registration on any other grounds specified in this chapter. This section shall not be construed as prohibiting or impairing the ability of an institution registered pursuant to this section or eligible to register pursuant to this section from applying to be an approved institution pursuant to this chapter.

(c) This section does not apply to nonpublic higher education institutions that grant undergraduate degrees, graduate degrees, or both, that are formed as nonprofit corporations, and that are accredited by an agency recognized by the United States Department of Education.

(d) An institution described in subdivision (a) that fails to comply with this section is not authorized to operate in this state. Any institution whose registration is denied or revoked is authorized to reapply for registration after 12 months have elapsed from the date of the denial or revocation of registration.

(e) A registration with the bureau pursuant to this section is valid for five years.

(f) The bureau shall develop through emergency regulations effective on and after July 1, 2021, a registration form. The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare for purposes of Sections 11346.1 and 11349.6 of the Government Code. These emergency regulations shall become law through the regular rulemaking process by January 1, 2022.

(g) The bureau shall disclose on its internet website a list of institutions registered pursuant to this section through reasonable means and disclose a designated email address for California residents to send a complaint to the bureau about an institution registered pursuant to this section. Complaints received through this email address shall be investigated in the same manner as complaints received by the bureau for institutions approved to operate pursuant to this chapter, but bureau enforcement in response to such complaints against institutions registered pursuant to this section shall be governed by subdivision (b).

(h) This section shall become operative on July 1, 2022.

SEC. 105. Section 2170 of the Elections Code is amended to read:

2170. (a) "Conditional voter registration" means a properly executed affidavit of registration that is delivered by the registrant to the county elections official during the 14 days immediately preceding an election or on election day and which may be deemed effective pursuant to this article after the elections official processes the affidavit,

determines the registrant's eligibility to register, and validates the registrant's information, as specified in subdivision (c).

(b) In addition to other methods of voter registration provided by this code, an elector who is otherwise qualified to register to vote under this code and Section 2 of Article II of the California Constitution may complete a conditional voter registration and cast a provisional ballot, or nonprovisional ballot under subdivision (f), during the 14 days immediately preceding an election or on election day pursuant to this article.

(c) (1) A conditional voter registration shall be deemed effective if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and that the information provided by the registrant on the registration affidavit matches information contained in a database maintained by the Department of Motor Vehicles or the federal Social Security Administration.

(2) If the information provided by the registrant on the registration affidavit cannot be verified pursuant to paragraph (1) but the registrant is otherwise eligible to vote, the registrant shall be issued a unique identification number pursuant to Section 2150 and the conditional voter registration shall be deemed effective.

(d) The county elections official shall offer conditional voter registration and voting pursuant to this article, in accordance with all of the following procedures:

(1) The elections official shall provide conditional voter registration and voting pursuant to this article at all permanent and satellite offices of the county elections official and all polling places in the county.

(2) The elections official shall advise registrants that a conditional voter registration will be effective only if the registrant is determined to be eligible to register to vote for the election and the information provided by the registrant on the registration affidavit is verified pursuant to subdivision (c).

(3) The elections official shall conduct the receipt and handling of each conditional voter registration and offer and receive a corresponding ballot in a manner that protects the secrecy of the ballot and allows the elections official to process the registration, determine the registrant's eligibility to register, and validate the registrant's information before counting or rejecting the corresponding ballot.

(4) After receiving a conditional voter registration, the elections official shall process the registration, determine the registrant's eligibility to register, and attempt to validate the registrant's information.

(5) If a conditional registration is deemed effective, the elections official shall include the corresponding ballot in the official canvass.

(e) After receiving a conditional voter registration, the elections official shall provide a provisional ballot in accordance with the following procedures:

(1) If the elections office, satellite office, or polling place is equipped with an electronic poll book, or other means to determine the voter's precinct, the elections official shall provide the voter with a ballot for the voter's precinct if the ballot is available. The ballot may be cast by any means available at the elections office, satellite office, or polling place.

(2) If the elections official is unable to determine the voter's precinct, or a ballot for the voter's precinct is unavailable, the elections official shall provide the voter with a ballot 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 pursuant to paragraph (3) of subdivision (c) of Section 14310. The ballot may be cast by any means available at the elections office, satellite office, or polling place.

(3) Notwithstanding paragraph (2), if the elections official is able to determine the voter's precinct, but a ballot for the voter's precinct is unavailable, the elections official may inform the voter of the location of the voter's polling place. A voter described in this paragraph shall not be required to vote at the voter's polling place and may instead, at the voter's choosing, cast a ballot pursuant to paragraph (2).

(4) This subdivision does not apply to elections conducted pursuant to Section 4005 or 4007.

(f) An elections official may offer a nonprovisional ballot to a registrant if the official does both of the following:

(1) Uses the statewide voter registration database developed in compliance with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.) to do all of the following before issuing the nonprovisional ballot:

(A) Verify that the registrant is deemed eligible to register to vote.

(B) Verify that the registrant has not voted in the state in that election.

(C) Verify that the registrant has not been included on a roster for that election in another county in the state that is not conducting elections pursuant to Section 4005.

(D) Update the voter's record to indicate that the voter has voted in that election.

(2) If the registrant has been included on a roster for that election in that county, the official updates that roster to indicate that the voter has voted and shall not be issued another nonprovisional ballot for that election.

SEC. 106. Section 3019 of the Elections Code is amended to read:

3019. (a) (1) Upon receiving a vote by mail ballot, the elections official shall compare the signature on the identification envelope with either of the following to determine if the signatures compare:

(A) The signature appearing on the voter's affidavit of registration or any previous affidavit of registration of the voter.

(B) The signature appearing on a form issued by an elections official that contains the voter's signature and that is part of the voter's registration record.

(2) In comparing signatures pursuant to this section, the elections official may use facsimiles of voters' signatures, provided that the method of preparing and displaying the facsimiles complies with the law.

(3) In comparing signatures pursuant to this section, an elections official may use signature verification technology. If signature verification technology determines that the signatures do not compare, the elections official shall visually examine the signatures and verify that the signatures do not compare.

(4) The variation of a signature caused by the substitution of initials for the first or middle name, or both, is not grounds for the elections official to determine that the signatures do not compare.

(b) If upon conducting the comparison of signatures pursuant to subdivision (a) the elections official determines that the signatures compare, the elections official shall deposit the ballot, still in the identification envelope, in a ballot container in the elections official's office.

(c) If upon conducting the comparison of signatures pursuant to subdivision (a) the elections official determines that the signatures do not compare, the identification envelope shall not be opened and the ballot shall not be counted. The elections official shall write the cause of the rejection on the face of the identification envelope only after completing the procedures described in subdivision (d).

(d) (1) A minimum of eight days prior to the certification of the election, the elections official shall provide notice to all voters identified pursuant to subdivision (c) of the opportunity to verify their signatures no later than 5 p.m. two days prior to the certification of the election.

EXHIBIT I

[West's Annotated California Codes](#)

[Elections Code \(Refs & Annos\)](#)

[Division 2. Voters \(Refs & Annos\)](#)

[Chapter 2. Registration \(Refs & Annos\)](#)

[Article 4.5. Conditional Voter Registration \(Refs & Annos\)](#)

West's Ann.Cal.Elec.Code § 2170

§ 2170. Conditional voter registration; procedures; nonprovisional ballots

Effective: January 1, 2021

[Currentness](#)

(a) "Conditional voter registration" means a properly executed affidavit of registration that is delivered by the registrant to the county elections official during the 14 days immediately preceding an election or on election day and which may be deemed effective pursuant to this article after the elections official processes the affidavit, determines the registrant's eligibility to register, and validates the registrant's information, as specified in subdivision (c).

(b) In addition to other methods of voter registration provided by this code, an elector who is otherwise qualified to register to vote under this code and [Section 2 of Article II of the California Constitution](#) may complete a conditional voter registration and cast a provisional ballot, or nonprovisional ballot under subdivision (f), during the 14 days immediately preceding an election or on election day pursuant to this article.

(c)(1) A conditional voter registration shall be deemed effective if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and that the information provided by the registrant on the registration affidavit matches information contained in a database maintained by the Department of Motor Vehicles or the federal Social Security Administration.

(2) If the information provided by the registrant on the registration affidavit cannot be verified pursuant to paragraph (1) but the registrant is otherwise eligible to vote, the registrant shall be issued a unique identification number pursuant to [Section 2150](#) and the conditional voter registration shall be deemed effective.

(d) The county elections official shall offer conditional voter registration and voting pursuant to this article, in accordance with all of the following procedures:

(1) The elections official shall provide conditional voter registration and voting pursuant to this article at all permanent and satellite offices of the county elections official and all polling places in the county.

(2) The elections official shall advise registrants that a conditional voter registration will be effective only if the registrant is determined to be eligible to register to vote for the election and the information provided by the registrant on the registration affidavit is verified pursuant to subdivision (c).

(3) The elections official shall conduct the receipt and handling of each conditional voter registration and offer and receive a corresponding ballot in a manner that protects the secrecy of the ballot and allows the elections official to process the registration, determine the registrant's eligibility to register, and validate the registrant's information before counting or rejecting the corresponding ballot.

(4) After receiving a conditional voter registration, the elections official shall process the registration, determine the registrant's eligibility to register, and attempt to validate the registrant's information.

(5) If a conditional registration is deemed effective, the elections official shall include the corresponding ballot in the official canvass.

(e) After receiving a conditional voter registration, the elections official shall provide a provisional ballot in accordance with the following procedures:

(1) If the elections office, satellite office, or polling place is equipped with an electronic poll book, or other means to determine the voter's precinct, the elections official shall provide the voter with a ballot for the voter's precinct if the ballot is available. The ballot may be cast by any means available at the elections office, satellite office, or polling place.

(2) If the elections official is unable to determine the voter's precinct, or a ballot for the voter's precinct is unavailable, the elections official shall provide the voter with a ballot 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 pursuant to [paragraph \(3\) of subdivision \(c\) of Section 14310](#). The ballot may be cast by any means available at the elections office, satellite office, or polling place.

(3) Notwithstanding paragraph (2), if the elections official is able to determine the voter's precinct, but a ballot for the voter's precinct is unavailable, the elections official may inform the voter of the location of the voter's polling place. A voter described in this paragraph shall not be required to vote at the voter's polling place and may instead, at the voter's choosing, cast a ballot pursuant to paragraph (2).

(4) This subdivision does not apply to elections conducted pursuant to [Section 4005](#) or [4007](#).

(f) An elections official may offer a nonprovisional ballot to a registrant if the official does both of the following:

(1) Uses the statewide voter registration database developed in compliance with the requirements of the federal Help America Vote Act of 2002 ([52 U.S.C. Sec. 20901 et seq.](#)) to do all of the following before issuing the nonprovisional ballot:

(A) Verify that the registrant is deemed eligible to register to vote.

(B) Verify that the registrant has not voted in the state in that election.

(C) Verify that the registrant has not been included on a roster for that election in another county in the state that is not conducting elections pursuant to [Section 4005](#).

(D) Update the voter's record to indicate that the voter has voted in that election.

(2) If the registrant has been included on a roster for that election in that county, the official updates that roster to indicate that the voter has voted and shall not be issued another nonprovisional ballot for that election.

Credits

(Added by [Stats.2012, c. 497 \(A.B.1436\)](#), § 2, operative Jan. 1, 2017. Amended by [Stats.2015, c. 734 \(S.B.439\)](#), § 2, eff. Jan. 1, 2016, operative Jan. 1, 2017; [Stats.2019, c. 99 \(A.B.693\)](#), § 1, eff. Jan. 1, 2020; [Stats.2019, c. 565 \(S.B.72\)](#), § 1.5, eff. Jan. 1, 2020; [Stats.2020, c. 370 \(S.B.1371\)](#), § 105, eff. Jan. 1, 2021.)

West's Ann. Cal. Elec. Code § 2170, CA ELEC § 2170
Current with urgency legislation through Ch. 2 of 2021 Reg.Sess

End of Document

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EXHIBIT J

**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Thomas Umberg, Chair
2019 - 2020 Regular

Bill No: SB 72 **Hearing Date:** 4/2/19
Author: Umberg
Version: 3/25/19
Urgency: No **Fiscal:** Yes
Consultant: Darren Chesin

Subject: Conditional voter registration: provisional ballots

DIGEST

This bill requires county elections officials to offer conditional voter registration and provisional voting (same day registration) at all polling places

ANALYSIS

Existing law:

- 1) Provides that a properly executed affidavit of voter registration shall be deemed effective upon receipt by the elections official if postmarked or received on or before the 15th day prior to an election to be held in the registrant's precinct.
- 2) Permits a county elections official to use a provisional ballot envelope as an affidavit of registration if the envelope sets forth the facts necessary to establish the voter as an elector and contains all of the information required to be on an affidavit of registration pursuant to existing law.
- 3) Provides for conditional voter registration whereby a qualified person may register to vote after the 15th day prior to an election or on Election Day, and cast a provisional ballot which will be counted if the conditional voter registration is deemed effective.
- 4) Requires county elections officials to offer conditional voter registration and provisional voting at its permanent offices, and permits them to offer this type of registration and voting at satellite offices.
- 5) Provides that a conditional voter registration shall be deemed effective if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and that the information provided by the registrant on the registration affidavit matches information contained in a database maintained by the Department of Motor Vehicles or the federal Social Security Administration. If the information provided by the registrant on the registration affidavit cannot be verified this way, but the registrant is otherwise eligible to vote, the registrant shall be issued a unique identification number, as specified, and the conditional voter registration shall be deemed effective.

- 6) Establishes the Voter's Choice Act, which permits counties a new way to administer elections whereby they must send every registered voter a ballot, establish vote centers open before Election Day, and provide ballot drop-off locations, as specified. Counties participating in the Voter's Choice Act must offer conditional voter registration and provisional voting at all vote centers.
- 7) Provides, pursuant to Secretary of State (SOS) regulations, that conditional voter registration and conditional provisional voting may be offered at a polling place only if the county elections official has designated that specific polling place as a satellite office. Those locations must have the means to provide the voter with the ballot for the proper precinct in which the voter is entitled to vote.
- 8) Provides that the provisional ballot of a voter who is otherwise entitled to vote shall not be rejected because the voter did not cast his or her ballot in the precinct to which they were assigned by the elections official. If the ballot cast by the voter contains the same candidates and measures on which the voter would have been entitled to vote in their assigned precinct, the elections official shall count the votes for the entire ballot. If the ballot cast by the voter contains candidates or measures on which the voter would not have been entitled to vote in their assigned precinct, the elections official shall count only the votes for the candidates and measures on which the voter was entitled to vote in their assigned precinct.
- 9) Requires elections officials to cancel any duplicate voter registrations that may exist as a result of a conditional registration and requires them to immediately notify both the district attorney and the SOS if it appears the registrant may have committed fraud.
- 10) Establishes criteria for the certification and use of ballot on demand printing systems and electronic poll books.
- 11) Defines "ballot on demand system" as a self-contained system that allows users to finish unfinished ballot cards into ballot cards.
- 12) Defines an "electronic poll book" to mean an electronic list of registered voters that may be transported to the polling location. Requires an electronic poll book to contain the following information for each voter: name; address; precinct; party preference; whether or not the voter has been issued a vote by mail ballot; and, whether or not the vote by mail ballot has been recorded as received by the elections official.

This bill:

- 1) Requires elections officials to provide conditional voter registration and provisional voting at all polling places in the county and at all satellite offices of the county elections official.
- 2) Provides that after receiving a conditional voter registration, the elections official shall provide the voter a provisional ballot in accordance with one of the following procedures:

- a) If the elections office, satellite office, or polling place is equipped with an electronic poll book, or other means to determine the voter's precinct, the elections official shall provide the voter with a ballot for the voter's precinct if that ballot is available. The provisional ballot may be cast by any means available at the elections office, satellite office, or polling place.
 - b) If the elections official is unable to determine the voter's precinct, or a ballot for the voter's precinct is unavailable, the elections official shall provide the voter with a ballot 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. The provisional ballot may be cast by any means available at the elections office, satellite office, or polling place.
 - c) If the elections official is able to determine the voter's precinct, but a ballot for the voter's precinct is unavailable, the elections official may also inform the voter of the location of the voter's polling place. These voters shall not be required to vote at their polling place and may instead, at their choosing, cast a ballot pursuant to (b) above.
- 3) Provides that this bill does not apply to elections conducted pursuant to the Voter's Choice Act.

BACKGROUND

California CVR in 2018. In 2018, five California counties (Madera, Napa, Nevada, Sacramento, and San Mateo) conducting elections under the Voters Choice Act or VCA. The VCA was enacted pursuant to SB 450 (Allen and Hertzberg), Chapter 832 of 2016 to permit specified counties beginning in 2018, and all other counties beginning in 2020, to conduct elections in which every voter is mailed a ballot and vote centers and ballot drop-off locations are available prior to and on Election Day, in lieu of operating polling places for the election, subject to certain conditions. Under the VCA, any voter may use any vote center in their county. As stated above, counties participating in the VCA must offer conditional voter registration and provisional voting at all vote centers.

According to the SOS, 57,276 valid conditional voter registration provisional ballots were cast in the November, 2018 General Election statewide. The five VCA counties accounted for 18,407, or 32% of those ballots even though those counties accounted for less than 7% of the total number of the state's registered voters at the time. Over twice as many valid CVR ballots were cast in Sacramento County than Los Angeles County.

In addition to the five 2018 counties, the following counties, and possibly others, are expected to conduct elections under the VCA model beginning in 2020: Los Angeles, Orange, Fresno, and Mariposa. As stated above, counties participating in the VCA must offer conditional voter registration and provisional voting at all vote centers.

In 2018, only five non-VCA counties provided conditional voter registration on Election Day beyond their permanent offices. According to information previously available on the SOS website, the following non-VCA counties offered conditional voter registration at satellite offices on Election Day in 2018:

- El Dorado: one satellite location.
- Merced: two satellite locations.
- San Bernardino: five satellite locations.
- Santa Barbara: two satellite locations.
- Santa Cruz: two satellite locations.

Other States. According to the National Association of State Legislatures (NCSL):

As of January 2019, 17 states plus the District of Columbia offer same day registration (SDR), which allows any qualified resident of the state to go to register to vote and cast a ballot all in that day.

Sixteen states plus the District of Columbia make same day registration available on Election Day; this is sometimes called Election Day registration (EDR). In addition, North Carolina makes same day registration possible for a portion of their early voting period but not on Election Day.

On November 6, 2018, Michigan voters approved a ballot proposal that provided a constitutional right to simultaneously register and vote during the early voting period and on Election Day. In that same election Maryland voters extended registration to include Election Day (previously same day registration was available during the early voting period). Additionally, Washington has enacted same day registration, to be implemented in 2019.

In most other states, voters must register by a given deadline prior to Election Day. The deadline varies by state, with most falling between eight and 30 days before the election.

There is strong evidence that same day and Election Day registration increases voter turnout, but the extent of the impact is difficult to conclude. Immediately following the implementation of SDR, states usually see a boost in voter numbers. Same day registration states also tend to outperform other states in terms of turnout percentages. Many states that have implemented SDR have historically produced higher voter numbers, making changes hard to gauge. Multiple studies place the effect between an increase of 3 to 7 percent, with an average of a 5 percent increase. Finally, studies reveal no conclusive evidence of whether SDR shapes partisan outcomes or whether certain populations are more likely to benefit.

All states employ various measures to ensure the security of same day voter registration. Many of the processes listed below are used in conjunction with one another. Common security measures include:

- Proof of identity and residency. All states require prospective voters to show ID. Some states will allow a provisional ballot to be cast if the prospective voter cannot provide identification at the time of registration, but ID must be provided before it is counted in the election.

- Casting of provisional ballots. Several states will count a ballot as provisional until proper ID is supplied or until the voter's application is fully checked.
- Statewide voter systems. These are used to check if the voter has already voted and to check ID. Such systems can provide real-time checks, while others are utilized after registration and voting. E-poll books often accompany this type of security measure.
- Oaths and sworn affidavits. Several states require same day registrants to sign an affidavit or swear an oath that they are eligible to vote and have not already voted in the election.
- Criminal penalties for fraudulent voting. Some states classify voting fraud as a felony, while others will refer suspected voting fraud to proper authorities to investigate.
- In-person registration. States require the SDR voter to register and vote in person.
- Non-forwardable mailings. If it is returned as non-deliverable or is not returned signed by the voter, a second notice is sent. The case may be forwarded to proper authorities for investigation after a second unsuccessful attempt to confirm the voter's residency.
- Restriction of location. Several states limit the locations where individuals can participate in SDR.
- Cross-agency and interstate verification. Some states verify an applicant's information with numerous other state agencies and even with interstate organizations.

Note: California employs several of these security measures for conditional voter registration, including: use of provisional ballots dependent on registration validation, cross-checks through the statewide voter database, felony penalties for fraudulent voting, in-person registration, and cross-agency verification.

ACLU Research. In a recent memorandum addressed to legislative staff, the American Civil Liberties Union (ACLU) Center for Advocacy and Policy stated that Same Day Registration (SDR) allows eligible voters to register to vote and cast their ballots on the same day. Eligible voters can also use SDR to correct an outdated voter registration record and cast a ballot that will be counted. Pioneered by Maine, Minnesota, and Wisconsin in the early-to-mid-1970s, seventeen states (California, Colorado, Connecticut, Hawaii, Idaho, Illinois, Iowa, Maine, Michigan, Minnesota, Montana, New Hampshire, Utah, Vermont, Washington, Wisconsin, and Wyoming) and the District of Columbia have now enacted the reform, and two states (Maryland and North Carolina) make SDR available during the early voting period but not on Election Day.

The following nine states as well as the District of Columbia offer SDR at all polling places on Election Day: Hawaii, Idaho, Iowa, Maine, Minnesota, New Hampshire, Utah, Vermont, and Wisconsin.

Research has shown SDR to have the following benefits for voters:

Increases voter turnout. States that allow SDR consistently lead the nation in voter participation. Four of the top five states for voter turnout in the 2012 presidential election all offered SDR. Average voter turnout was over 10 percentage points higher in SDR states than in other states.

Eliminates arbitrary deadlines that cut off registration when voters are most interested. Many citizens become most interested and engaged with elections in the last few weeks before Election Day, when candidate debates and campaigns reach their peak. But registration deadlines may already have passed at that point.

Remedies inaccurate voter rolls. Many previously-registered voters lose their eligibility merely because they have moved. Others are never added to the voter rolls because of bureaucratic errors. Failure to discover these problems prior to Election Day, when registration deadlines have passed, results in eligible citizens losing their vote. With SDR, these voters can simply update registration records or register anew at the polling place and vote a ballot that will be counted.

Assists geographically mobile, lower-income citizens, young voters and voters of color. Keeping voter registration records current is a big challenge under current systems, which place the onus of updating records on the individual. Census data show that over 36 million people in America moved between 2011 and 2012, and nearly half of those moving had low-incomes. Young adults of all income levels also move more frequently—for school, for jobs, for family. SDR offers those who have recently moved but failed to update registration records another opportunity to register and vote. Research indicates that allowing young people to register to vote on Election Day could increase youth turnout in presidential elections by as much as 14 percentage points.

Presidential Primary Elections and CVR. Under California's presidential primary system, voters who are registered with a political party receive a ballot for that party's presidential primary election. For example, voters who are registered with the Democratic, Republican, American Independent, Green, Libertarian, or Peace and Freedom parties receive the primary election ballot for their respective parties. At the same time, voters who decline to disclose a political party preference (also known as no party preference or NPP voters) receive a nonpartisan ballot that does not list the candidates for president. Under current law, however, NPP voters may request the ballot of any political party that has notified the SOS that it will allow those voters to participate in its presidential primary election. These are commonly referred to as "crossover" ballots.

For the 2016 presidential primary election, the American Independent Party, Democratic Party, and Libertarian Party all permitted NPP voters who to participate in their presidential primary elections. Voters wishing to change their political party preference in order to vote in a particular party's presidential primary can do so either in advance of the registration deadline or by availing themselves of conditional voter registration at a

location where it is offered. If those locations are more numerous, as this bill would require, some of the related voter confusion and frustration as expressed in media articles and complaints from voters that occurred during the 2016 presidential primary election in California could be mitigated.

Electronic Poll Books. An electronic poll book is an electronic version of the traditional paper poll book which contains a list of the registered voters in each precinct or district. An electronic poll book typically looks like a tablet or laptop computer and is used to more quickly and accurately check in a voter at his or her precinct or voting sites. Many electronic poll books have a variety of other functionalities. For example, many electronic poll books have the capability to allow a poll worker to look up voters from the entire county or state, connect to a county or state voter registration database, notify a poll worker if a voter has already voted, allow a voter to sign in electronically, produce turnout numbers and lists of those who have voted, and receive immediate updates on who has voted in other voting jurisdictions.

Ballot on Demand Systems. Ballot on demand printing systems are used in elections official's offices, satellite offices, vote centers and other locations, often in conjunction with an electronic poll book, in order to provide any voter with their proper ballot regardless of the precinct to which the voter is assigned.

COMMENTS

- 1) According to the author: Starting in 2020, Senate Bill 72 will require all counties to permit eligible voters to register and vote on Election Day at every polling site.

While California has made huge strides over the last several years to expand access to voter registration, we still have millions of eligible unregistered voters. Studies have continually revealed that these voters tend to be disproportionately younger, poorer, people with disabilities, people with limited English proficiency, and people of color.

Meanwhile, numerous states across the country have offered Same Day Registration at polling sites, some treating them the way we treat voters who may have to vote provisionally.

In 2012, the California legislature passed Assembly Bill 1436 (Feuer), establishing conditional voter registration, our version of Same Day Registration. Counties were required to provide conditional voter registration at all permanent offices of the county elections official and were permitted to provide it at satellite offices. Under conditional voter registration, the ballot cast is provisional and not counted until the registration is verified.

While implementation was delayed for several years, in 2018, for the first time during statewide elections, eligible unregistered voters were theoretically offered the opportunity to register and vote on Election Day in California under conditional voter registration.

In reality however, only a small percentage of California voters had access to CVR on Election Day because in most counties it was only available at the county

elections office. As a result, relatively few voters in those counties actually took advantage of conditional voter registration, and those who were able to make the trip to their county elections office waited hours in line in order to register and cast a ballot.

Senate Bill 72 will expand access to same day voter registration and voting to all eligible voters in California. The solution is simple: starting in 2020, any county not participating in the Voter's Choice Act (where vote centers offer conditional voter registration at multiple sites in a county) will be required to provide conditional voter registration at all polling places in their county.

- 2) Argument in Support. In a letter supporting SB 72, the League of Women Voters of California stated, in part, the following:

Despite the fact that California is a majority-minority state, voting participation gaps for people of color, people with disabilities, youth, and those with limited English proficiency or low-income, mean that critical issues of local and statewide importance are being made by a predominantly whiter, older, wealthier, unrepresentative electorate. While many impediments have been eradicated over the last few years, and registration rates are increasing, we still have 5.5 million eligible, unregistered Californians – a disproportionate number of whom are from underrepresented populations.

In 2018, for the first time in our statewide elections, eligible California voters had the opportunity to register and vote up through Election Day. In reality, only a tiny percentage could access that option because in most counties across the state – including populous ones like Los Angeles, San Diego, and Orange – it was only available at a single site: the county elections office. In fact, 21.3 million (85%) of the state's 25.2 million eligible voters live in a county that provided only a single registration site on Election Day in November 2018. As a result, few voters in those counties were able to take advantage of the opportunity, and those who were able to make the trip to their county elections office waited in lines of up to four hours to register and cast ballots.

SB 72 would align California with nine states, as well as the District of Columbia, that provide Election Day registration options at all polling places: Hawaii, Idaho, Iowa, Maine, Minnesota, New Hampshire, Utah, Vermont, and Wisconsin. Research has shown that Election Day registration benefits both voters and elections officials. It increases voter turnout, eliminates arbitrary deadlines that turn away voters at the moment of highest interest, improves the accuracy of voter rolls, and assists the registration of geographically mobile, lower-income citizens, young voters, and voters of color.

The League of Women Voters of California strives to increase voter participation and ensure that our electorate reflects California's diversity. Expanding Election Day registration, to allow eligible people to register to

vote and cast ballots all the way up through Election Day at any polling location, is a key strategy to achieve those goals.

- 3) Argument in Opposition. In a letter opposing SB 72, Election Integrity Project California stated, in part, the following:

SB 72 is well intentioned, but the unintentional consequences of its implementation would erode election integrity and voter confidence. Legitimate votes would be undermined, and unlawful votes would be cast and counted.

Clearly, the challenges of proper election management are already monumental. Moving Conditional Voter Registration to local polling sites will guarantee substantial numbers of votes will be mishandled.

Every mishandled vote dilutes or cancels out the vote of a legitimate voter. Even one occurrence is unacceptable.

In voting locations currently tasked with Conditional Voter Registration, workers are better trained and better supervised. They have access to materials and ballots needed to correctly and accurately process each voter. They should remain the only locations to offer same-day services.

- 4) Any Fraud? According to the SOS, there were no reported incidents of fraud related to conditional voter registration in California in 2018.

RELATED/PRIOR LEGISLATION

AB 1436 (Feuer), Chapter 497, Statutes of 2012, enacted conditional voter registration but the program was not implemented until 2017.

AB 681 (Gonzalez) of 2019, which makes a technical, nonsubstantive change to the CVR statute, is pending in the Assembly Elections and Redistricting Committee.

AB 693 (Berman) of 2019, authorizes an elections official to offer a regular ballot to a conditional voter registrant if the registrant is deemed eligible to register to vote and the elections official verifies that the registrant has not already voted in the state, as specified. AB 693 is pending in the Assembly Elections and Redistricting Committee.

POSITIONS

Sponsor: American Civil Liberties Union of California
California Common Cause
League of Women Voters of California

Support: Black Women Organized for Political Action PAC
Californians United for a Responsible Budget
California Public Interest Research Group

California Calls
California Labor Federation
California League of Conservation Voters
California Native Vote Project
California Voter Foundation
Consumer Attorneys of California
Courage Campaign
Ella Baker Center for Human Rights
Equal Justice Society
Initiate Justice
Los Angeles LGBT Center
Legal Services for Prisoners with Children
NARAL Pro-Choice California
Riverside Temple Beth El
Rock the Vote
Rubicon Programs
Student Senate for California Community Colleges
University of California Student Association
Western Center on Law and Poverty
W. Haywood Burns Institute
The Women's Foundation of California
Numerous University of California students

Oppose: Election Integrity Project California

-- END --

EXHIBIT K

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-64-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS on November 3, 2020, California—like the other states of the United States—will hold a General Election, and Californians throughout the state will exercise their right to vote; and

WHEREAS it is unknown to what degree COVID-19 will pose a threat to public health in November, and California and its counties must begin taking action now—to procure supplies, secure polling places, enlist volunteers, and draw up plans, among other steps—to ensure that the November 3, 2020 General Election is held in a manner that is accessible, secure, and safe; and

WHEREAS to preserve public health in the face of the threat of COVID-19, and to ensure that the November election is accessible, secure, and safe, all Californians must be empowered to vote by mail, from the safety of their own homes; and

WHEREAS it is also essential to ensure that all Californians who may need access to in-person voting opportunities—including individuals with disabilities, individuals who speak languages other than English, individuals experiencing homelessness, and others who may find vote-by-mail less accessible than in-person voting—are able to access such opportunities and exercise their right to vote; and

WHEREAS the Secretary of State has been working with California elections officials, voting rights advocates, and other stakeholders to explore how best to implement procedures for the November election that will make in-person voting opportunities available, give county elections officials needed flexibility, and preserve public health; and

WHEREAS discussions concerning the November election have been informed, and should continue to be informed, by the ways in which existing California law—including, in particular, the California Voter's Choice Act—provide standards to ensure that, even in the context of an "all-mail ballot" election, voters are able to access in-person voting opportunities; and

WHEREAS work in partnership with the Legislature and the Secretary of State, guided by the standards in existing California law and the exigencies of the COVID-19 pandemic, will be essential to ensure that the November election is accessible, secure, and safe; and

WHEREAS confirming that every voter will be able to vote by mail in the November election will allow California and its counties to begin preparing for that election now—even as planning continues to determine how details of that election (including requirements concerning the availability of in-person voting opportunities) will be implemented; and

WHEREAS it is critical that counties have clarity regarding requirements for in-person voting opportunities and other details of the November election by no later than May 30, 2020, which may require a subsequent Executive Order; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes specified in this Order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

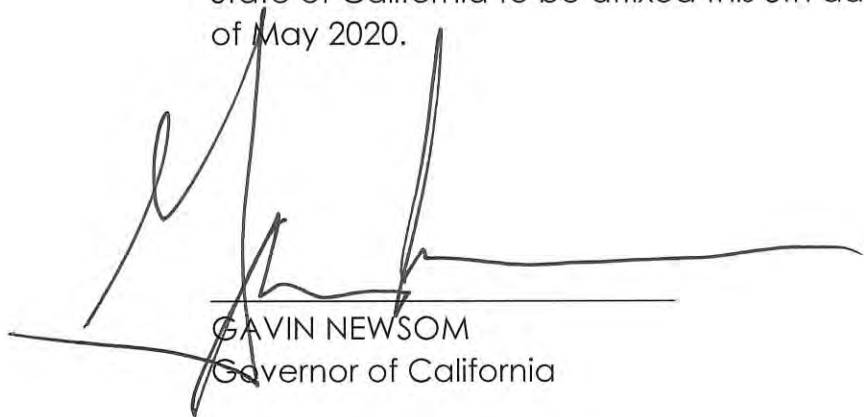
IT IS HEREBY ORDERED THAT:

- 1) Notwithstanding any limitation on the distribution of vote-by-mail ballots in Elections Code sections 1500 and 4000-4007, or any other provision of state law, each county elections officials shall transmit vote-by-mail ballots for the November 3, 2020 General Election to all voters who are, as of the last day on which vote-by-mail ballots may be transmitted to voters in connection with that election, registered to vote in that election. As set forth in this paragraph, every Californian who is eligible to vote in the November 3, 2020 General Election shall receive a vote-by-mail ballot.
- 2) Nothing in this Order shall be construed to limit the extent to which in-person voting opportunities are made available in connection with the November 3, 2020 General Election. It is the intent of this Order that my Administration continue to work with the Legislature and the Secretary of State to determine how requirements for in-person voting opportunities and other details of the November election will be implemented—guided by California's longstanding commitment to making its elections accessible, as enshrined in existing California law, while recognizing the exigencies of the COVID-19 pandemic.
- 3) My Administration continues working in partnership with the Secretary of State and the Legislature on requirements for in-person voting opportunities and on how other details of the November election will be implemented. Nothing in this Order is intended, or shall be construed, to limit the enactment of legislation on that subject.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 8th day of May 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EXHIBIT L

October 2, 2020

County Clerk/Registrar of Voters (CC/ROV) Memorandum # 20232

TO: All County Clerks/Registrars of Voters

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

RE: General Election: Revised Guidance Related to the November Election

The Secretary of State has updated the attached revised guidance document with current information and helpful links to the materials that have been developed for the November 3, 2020, General Election, and which are located on our website.

This revised guidance document is based on the previous versions of the document issued on June 3rd (CCROV [#20104](#)), June 5th (CCROV [#20106](#)), June 30th (CCROV [#20135](#)), and August 20th (CCROV [#20177](#)).

Thank you.

Attachment

- Revised Guidance: Conducting the November 3, 2020, General Election During the COVID-19 Pandemic



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

1500 11th Street, 5th Floor, Sacramento, CA 95814 | Tel 916.657.2166 | Fax 916.653.3214 | www.sos.ca.gov

**REVISED GUIDANCE: CONDUCTING
THE NOVEMBER 3, 2020, GENERAL ELECTION
DURING THE COVID-19 PANDEMIC¹**

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¹ Previous versions of this guidance document and visuals reference a number of Executive Orders and legislation; specifically, Assembly Bill 860 and Senate Bill 423 superseded Executive Orders N-64-20 and N-67-20 upon their enactment.

INTRODUCTION

The Secretary of State issues this revised guidance document to ensure the November 3, 2020, General Election is secure and safe for voters and election workers.

I. CONDUCTING THE ELECTION

Based upon the above, there are five different methods by which counties can conduct the November 2020 General Election. The below chart identifies those methods along with a short description. The information contained below the chart provides a fuller description.

November 3, 2020, General Election

Method of Conducting the Election	Election Specifics	Authority
1 Voter's Choice Act (VCA) – Vote Centers	<p>In-Person Voting Locations: VCA counties, at a minimum: must open vote centers E-3 through E-1 for 8 hours a day; on Election Day from 7am - 8pm. (can open vote centers before E-3, if desired)</p> <p>Ballot Drop-off Locations: no change - must have at least 2 OR 1 per 15,000 voters (whichever results in the greater number of locations); E-28 through Election Day open at a minimum during regular business hours (Elections Code sections 4005, 4007)</p> <p>1 Exterior Drop Box: E-28 through Election Day open a minimum of 12 hours.</p>	Election conducted under Elections Code sections 1601, 4005-4007
2 Consolidated Polling Place - Countywide Voting	<p>In-Person Voting Locations: 1 per 10,000 voters; must open consolidated polling places E-3 through E-1 for 8 hours a day; on Election Day from 7am - 8pm; voters can vote anywhere in the county.</p> <p>1 In-Person Voting Location: E-28 though Election Day must offer full services (EC section 1602(d)(1)) and urged to offer appointments at this location.</p> <p>Ballot Drop-off Locations: must have at least 2 OR 1 per 15,000 voters (whichever results in the greater number of locations); E-28 through Election Day open at a minimum during regular business hours.</p> <p>1 Exterior Drop Box: E-28 though Election Day open a minimum of 12 hours.</p>	Election conducted under Elections Code section 1602(b), (c), (d)
3 Consolidated Polling Place - Voters Assigned to Specific Location	<p>In-Person Voting Locations: 1 per 10,000 voters; must open consolidated polling places E-3 through E-1 for 8 hours a day; on Election Day from 7am - 8pm; voters assigned to specific voting location.</p> <p>1 In-Person Voting Location: E-28 though Election Day must offer full services (Elections Code section 1602(d)(1)) and urged to offer appointments at this location.</p> <p>Ballot Drop-off Locations: must have at least 2 OR 1 per 15,000 voters (whichever results in the greater number of locations); E-28 through Election Day open at a minimum during regular business hours.</p> <p>1 Exterior Drop Box: E-28 though Election Day open a minimum of 12 hours.</p>	Election conducted under Elections Code section 1602(b), (c), (d)
4 Traditional Polling Place	<p>In-Person Voting Locations: Counties will provide polling places in the same manner as they had in the March 2020 Primary, open on Election Day from 7am - 8pm.</p> <p>Ballot Drop-off Locations: At County Discretion.</p>	Election conducted under Elections Code section 12223; see also, Elections Code section 1602(a)
5 All Mail Ballot	<p>Counties will continue to run their election as an All Mail Ballot Election.</p> <p>Ballot Drop-off Locations: At County Discretion.</p>	Election conducted under Elections Code section 3005

In-person Voting Opportunities

County elections officials are encouraged to provide as many in-person voting locations in their jurisdiction as were available at the March 2020 Presidential Primary Election. However, at a minimum, for the November 2020 General Election, county elections officials are authorized to provide in-person voting locations as follows:

Method #1: Voter's Choice Act (VCA). VCA counties shall continue to provide at least one in-person voting location per 10,000 registered voters within the county from E-3 through Election Day and are not required to open any vote center prior to E-3. (Elec. Code, § 1601.)

Counties are nevertheless encouraged to open vote centers earlier, where feasible and as conditions warrant, to maximize opportunities for voter participation.

The minimum operating hours set forth in Sections 4005 and 4007 have not been modified and remain as follows:

- a) From E-3 through E-1, for at least eight hours each day; and
- b) On Election Day, from 7 a.m. until 8 p.m.

Additionally, VCA counties are not required to conduct any in-person public meetings or workshops in connection with the preparation of plans for the administration of this election, as provided for in Section 4005(a)(10), as long as a draft of each such plan is posted on the county elections official's website in a manner consistent with Section 4005(a)(10)(E)(iii) and the county elections official accepts public comment on the draft plan for at least 10 days.

VCA counties are encouraged to take additional steps, where feasible, to facilitate and encourage public participation in the development of their plans.

The minimum number of in-person voting locations should be based upon voters registered as of August 7, 2020 (E-88).

Methods #2 and #3: Consolidated Polling Place. Counties to provide at least one "consolidated" polling place per 10,000 registered voters and operate them using:

Method #2 - vote centers (voter is not assigned to a specific polling location in the county)

-OR-

Method #3 - “regular” polling locations (voter is assigned to a specific polling location)

Consolidated polling places must be made available for voting during the following hours:

- a) From E-3 through E-1, for at least eight hours (during regular hours convenient for members of the public) each day; and
- b) On Election Day, from 7 a.m. until 8 p.m.

For purposes of the above:

- Consolidated polling places shall be established pursuant to Section 1602(b)(1), (2), and (3).
- County elections officials shall provide each consolidated polling place with enough ballots, provisional ballots, and provisional ballot envelopes to ensure every voter can be accommodated, as necessary. (Elec. Code, § 1602(b)(5).)
- County elections officials shall provide at least one location, open at least during regular business hours beginning E-28, at which a voter may do any of the following:
 - Return, or vote and return, the voter’s vote-by-mail ballot.
 - Register to vote, update a voter registration, and vote pursuant to Section 2170.
 - Receive and vote a provisional ballot pursuant to Section 3016 or Sections 14310-14313.
 - Receive a replacement ballot upon verification that a ballot for the same election has not been received from the voter by the county elections official. If the county elections official is unable to determine if a ballot for the same election has been received from the voter, the county elections official may issue a provisional ballot.
 - Vote a regular, provisional, or replacement ballot using accessible voting equipment that provides for a private and independent voting experience. (Elec. Code, § 1602 (d)(1).)
- County elections officials are urged to offer voters the ability to schedule an appointment to visit the above-referenced location. (Elec. Code, § 1602(d)(2).)

Method #4: Traditional Polling Place. Non-VCA counties that comply with all existing statutory requirements applicable to in-person voting locations and hours are not required to provide in-person voting locations/hours as set forth in Section 1602(b). (Elec. Code, § 1602(a).)

Method #5: All Mail Ballot. Counties continue to conduct the November 2020 General Election as an All Mail Ballot election.

Vote-by-Mail Ballot Drop-off Opportunities

Methods #1 - #3: Counties using Method #1, #2 or #3 are required to provide:

- At least one ballot drop-off location for every 15,000 registered voters within their jurisdiction, and
- Not less than two ballot drop-off locations within their jurisdiction, regardless of the number of registered voters.

In the event this number of drop-off locations is less than what was available at the March 2020 Presidential Primary Election in their jurisdiction, county elections officials are encouraged to provide at least that same number of drop-off locations.

The minimum number of drop-off locations should be based upon voters registered as of August 7, 2020 (E-88).

Methods #2 and #3: For counties using consolidated polling places, the following applies to ballot drop-off locations (same meaning as in Section 3025):

- A consolidated polling place that includes an exterior ballot drop box counts only as a single ballot drop-off location.
- They must consist of a secure, accessible, and locked ballot box located as near as possible to established public transportation routes and that is able to receive voted ballots.
- All ballot drop-off locations shall be open at least during regular business hours beginning not less than E-28 through the close of voting on Election Day.
- At least one ballot drop-off location shall be an exterior drop box that is fully accessible to the public for a minimum of 12 hours per day from E-28 through the close of voting on Election Day.
- Because health directives to prevent the spread of COVID-19 may result in reduced access to some buildings, counties are encouraged

to maximize the number of ballot drop-off locations that are exterior drop boxes or that are located in buildings, such as supermarkets or drugstores, that are likely to be considered essential businesses that will remain open to the public notwithstanding any physical distancing measures that are in place during the period beginning E-28 and ending on Election Day.

Method #4: Counties can provide drop-off locations at their discretion.

Method #5: Counties can provide drop-off locations at their discretion.

II. VOTING OPPORTUNITIES

Determination of Locations and Public Notice and Comment Period

In general, county elections officials should, when determining where to locate polling places, vote centers, or early voting locations, consider voter turnout from the March 2020 Presidential Primary Election and all the criteria in Section 4005(a)(10)(B) to determine communities with the greatest need for in-person voting and ballot drop-off needs. Additionally, notwithstanding Section 12288, county elections officials may establish a vote center, polling place, or consolidated polling place in a location whose primary purpose is the sale and dispensation of alcoholic beverages. (Elec. Code, § 1603(c).)

Counties using consolidated polling places, for purposes of determining consolidated polling place and ballot drop-off locations, must consider the following:

- Consolidated polling places shall be established pursuant to Section 1602(b)(1), (2), and (3).
- For both consolidated polling places and ballot drop-off locations: the proximity to communities with historically low vote-by-mail usage and consider other criteria described in Section 4005(a)(B)(10), to the extent data is readily available. (Elec. Code, § 1602(e).)

Prior to finalizing the locations of the above-referenced consolidated polling places and ballot drop-off locations, the county elections official shall publicly notice in all legally required languages for that county the proposed consolidated polling place locations and ballot drop-off locations, shall post a copy of those locations on the elections official's internet website, and shall accept public comments on the proposed locations for at least 10 days after publicly noticing the proposed locations. (Elec. Code, § 1602(f).)

Following the 10-day public comment period, the elections official shall consider any comments the official receives from the public, and shall adjust consolidated polling place and ballot drop-off locations in response to the public comments to the

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extent the official deems appropriate before finalizing the locations to be used as consolidated polling places and ballot drop-off locations. (Elec. Code, § 1602(f).)

SB 423 Waiver Process

In [CC/ROV # 20193](#), the Secretary of State set forth the process to consider requests from counties to adjust or partially waive the minimally required number, location, or operational duration, of vote centers, consolidated polling places, or ballot drop-off locations described in Sections 1602, 4005, and 4007. (Elec. Code, § 1604(a).)

The standalone waiver request form can be found at:

<https://elections.cdn.sos.ca.gov/statewide-elections/2020-general/sb423-waiver.pdf>

Appointments

Counties are encouraged to allow voters to make appointments at the office of the elections official from E-28 up to and including Election Day, in order to receive in-person voting assistance.

In addition, beginning E-28 counties using consolidated polling locations are urged to offer voters the ability to schedule an appointment to visit at least one consolidated precinct location. (Elec. Code, § 1602(d)(2).)

Drive-through Locations

Recognizing the challenge in finding in-person voting locations, all counties are urged to use drive-through/pop-up locations for voters to drop off their voted ballots. If a voter is waiting in a vehicle, the voter is considered “in line” for the purposes of keeping the polls open a sufficient time to enable them to vote pursuant to Section 14401. (Elec. Code, § 1603(b)).

Accessibility at In-person Locations

All county elections officials should ensure all in-person voting locations comply with the Secretary of State’s Polling Place Accessibility Guidelines found at: <https://www.sos.ca.gov/elections/publications-and-resources/polling-place-accessibility-guidelines/polling-place-accessibility-checklist/>.

Counties using consolidated polling places shall have at least three voting machines that are accessible to voters with disabilities in accordance with Section 1602(b)(4)(A). Additionally, the consolidated polling places shall comply with the accessibility requirements described in the federal Americans with Disabilities Act of 1990 (ADA), the federal Help America Vote Act of 2002 (HAVA), and the federal Voting Rights Act of 1965 (VRA). (Elec. Code, § 1602(b)(4)(B).)

County elections officials are encouraged to provide as many opportunities for curbside voting as feasible.

Polling Locations - State and Local Government Facilities

County elections officials are encouraged to consider using all mechanisms provided by existing law to secure voting locations, which may include the use of public buildings (such as school buildings and state office buildings) pursuant to Sections 12283 and 12284.

III. VOTE-BY-MAIL BALLOTS

Mailing

All Californians who are registered (and otherwise eligible) to vote in the November 2020 General Election shall receive vote-by-mail ballots. Consistent with Section 2226, this provision is not intended, and shall not be construed, to mean that voters in an inactive voter registration status shall receive vote-by-mail ballots in connection with the November 2020 General Election.

In accordance with newly enacted Section 3000.5(a), for the November 2020 General Election, **all** county elections officials shall, no later than E-29, begin mailing the materials specified in Section 3010 to every registered voter in the county. The county elections official shall have five days to mail a ballot to each person who is registered to vote on E-29 and five days to mail a ballot to each person who is subsequently registered to vote. 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.

Tracking

Pursuant to the newly enacted subdivision (d) of Section 3019.7, county elections officials are required to use the Secretary of State's vote-by-mail ballot tracking system, BallotTrax (unless the county uses a system that meets or exceeds the level of service provided by BallotTrax).

Counties using BallotTrax are generally required to use Intelligent Mail Barcodes (IMbs), with exceptions as authorized by the Secretary of State. For example, it is the Secretary of State's understanding that not all counties/vote-by-mail ballot printing and/or mailing vendors can place IMbs on inbound vote-by-mail ballot envelopes. The Secretary of State is currently discussing this issue with those county elections officials and vendors for additional guidance.

Remote Accessible Vote-by-Mail (RAVBM)

Pursuant to newly enacted Section 3016.7, for the November 2020 General Election, all county elections officials shall permit any voter to cast a ballot using

a certified RAVBM system, regardless of whether the voter is a voter with disabilities or a military or overseas voter. For more information please visit the Secretary of State website at: <https://www.sos.ca.gov/elections/voting-resources/remote-accessible-vote-mail>.

Identification Envelope

County elections officials are urged, to the extent feasible, to utilize the Secretary of State's best practices, found at CCROV [#20080](#), for the design of vote-by-mail voter identification envelopes.

Utilizing these uniform guidelines can assist in statewide voter education efforts, ensure voters receive their materials timely, and aid voters in understanding the materials that are sent to them. As many voters will experience voting by mail for the first time, the Secretary of State's office encourages counties to utilize the resources provided by the Center for Civic Design to assist in a successful rollout of increased vote-by-mail voting.

Retrieval

Ballots shall be retrieved from vote-by-mail drop boxes pursuant to Section 20136(d) of the California Code of Regulations (CCR). The Secretary of State has adopted emergency regulations by amending CCR Section 20136(d). The changes made to Section 20136 provide greater flexibility to county elections officials by changing the required time for retrieving ballots from unstaffed vote-by-mail ballot drop boxes, after the 10th day before the election, from every 24 hours to every 48 hours. These regulations are in effect as of June 24, 2020, and will expire on February 20, 2021, and can be found at: <https://www.sos.ca.gov/administration/regulations/current-regulations1/>.

Two ballot retrievers are required as is currently set forth in the California Code of Regulations. Counties are encouraged to have their staff adhere to any physical distancing and other safety requirements in place at the time. If two retrievers cannot maintain proper physical distancing in the same vehicle, they can drive separately to each location.

Return (Postmark +17)

In accordance with newly enacted subdivision (d) of Section 3020, for the November 2020 General Election, any vote by mail ballot cast under this division shall be timely cast if it is received by the voter's elections official via the United States Postal Service (USPS) or a bona fide private mail delivery company by the 17th day after election day and either of the following is satisfied:

- (1) The ballot is postmarked on or before Election Day, is time stamped or date stamped by a bona fide private mail delivery company on or before Election Day, or it is otherwise indicated by the USPS or a bona fide private mail delivery company that the ballot was mailed on or before Election Day.

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(2) If the ballot has no postmark, a postmark with no date, or an illegible postmark, and no other information is available from the USPS or the bona fide private mail delivery company to indicate the date on which the ballot was mailed, the vote by mail ballot identification envelope is date stamped by the elections official upon receipt of the vote by mail ballot from the USPS or a bona fide private mail delivery company, and is signed and dated pursuant to Section 3011 on or before Election Day.

Processing

In accordance with newly enacted subpart (2) of subdivision (b) of Section 15101, for the November 2020 General Election, any jurisdiction having the necessary computer capability may start to process vote by mail ballots on E-29. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, including processing write-in votes so that they can be tallied by the machine, but under no circumstances may a vote count be accessed or released until 8 p.m. on the day of the election. All other jurisdictions shall start to process vote by mail ballots at 5 p.m. on the day before the election.

IV. PUBLIC HEALTH AND SAFETY

Secretary of State

The Secretary of State has:

- Consulted state public health and safety offices regarding recommendations for in-person voting, vote-by-mail ballot drop-off locations, and county ballot processing sites for the health and safety of both voters and county election workers.
- Developed guidance and materials based upon the consultation with state public health and safety offices and provide this information to county elections officials as well as on the Secretary of State's website.
- Worked with health officials, elections officials, and other stakeholders to establish guidelines for the use of personal protective equipment by individuals at in-person voting locations, including election workers, precinct board members, and voters. (Elec. Code, § 1604(d)).

A guidance document entitled, "Election Administration Guidance Under COVID-19," along with checklists, posters, and a COVID-19 glossary of terms may be found at <https://www.sos.ca.gov/elections/upcoming-elections/general-election-november-3-2020> under COVID-19 Health and Safety Guidance.

The Election Administration Guidance Under COVID-19 can be found directly at: <https://elections.cdn.sos.ca.gov/statewide-elections/2020-general/election-admin-guidance.pdf>

Counties

County elections officials are encouraged to:

- Utilize guidance and materials developed by the Secretary of State regarding the health and safety protocols for in-person voting, vote-by-mail ballot drop-off locations, and county ballot processing sites such that they are implemented in a manner that will increase public confidence in the process.
- Utilize guidance provided by their respective county's department of public health with respect to all of the above.
- Add a greeter at their in-person voting locations to ensure physical distancing.
- Develop guidelines for line management at their in-person voting locations to ensure physical distancing.

V. POLL WORKERS

Secretary of State

The Secretary of State will continue to:

- Contact public and private entities to determine who is willing to be a poll worker and/or help with other election-related activities.
- Compile information to facilitate the recruitment and referral of poll workers and voting locations and provide this information to county elections officials as well as on the Secretary of State's website.
- Work with the Governor to encourage state employees to be poll workers.
- Through the Democracy at Work program, encourage employers and employees to be poll workers or host a voting location.

Counties

County elections officials are encouraged to:

- Utilize the information compiled by the Secretary of State.
- Message the need for poll workers to other county employees.

- Reach out to non-profits, community-based organizations, and other organizations to recruit poll workers.

Training

Counties should modify their current poll worker training programs to include appropriate state and local health and safety guidelines. Counties have the discretion to provide some poll worker training via online video streaming, but should ensure poll workers have the opportunity to have hands-on training with respect to proper use of personal protective equipment, ensuring physical distancing, and proper cleaning and maintenance of voting equipment.

The Secretary of State has updated the Poll Worker Training Standards and partnered to create a COVID-19 Election Worker Safety Training PowerPoint presentation, both can be found at:

<https://www.sos.ca.gov/elections/voting-resources/voting-california/help-strengthen-our-democracy/poll-worker-info/poll-worker-training-standards>

VI. VOTER EDUCATION AND OUTREACH

Secretary of State

The Secretary of State will continue to:

- Utilize email addresses supplied by voters and maintained in the statewide voter registration database to communicate a public education message related to the November 2020 General Election.
- Create and translate information and materials to educate voters and provide this information to counties and on the Secretary of State's website for distribution and for use at polling locations.
- Include in the Official Voter Information Guide a public education message related to the changes to the November 2020 General Election.
- Conduct a statewide voter education and outreach campaign regarding new procedures in place for the November 2020 General Election, including, but not limited to, procedures relating to voting by mail, newly consolidated polling places and services provided therein, available language assistance, voter registration, conditional voter registration and voting, and accessible vote-by-mail voting. (Elec. Code, § 1604(b).)

Counties

All county elections officials shall conduct a voter education and outreach campaign in all legally required languages for that county notifying voters about

mail ballots, early voting opportunities, accessible voting options, and where and how to remedy any voting related problem. (Elec. Code, § 1603(a).)

In addition, all county elections officials are encouraged to:

- Include information about the changes to the November 2020 General Election in their voter information guides.
- Work with community-based organizations (CBOs) that are familiar with under-represented communities to prepare and disseminate materials with specific information about all aspects of VBM.
- Develop rapid response messaging and a troubleshooting system.

County elections officials who do not conduct elections pursuant to Section 4005 are encouraged to:

- Solicit public input, to the extent feasible, regarding the changes to in-person voting locations; changes related to the November 2020 General Election should be as open and transparent to their voters as possible.
 - This is a requirement, pursuant to Section 1602(f), for counties who are using consolidated polling places.
- Send a mailing prior to the mailing of their county voter information guide, which should include information on how to request in-language VBM materials, how to request an RAVBM ballot, and encouraging voters to update their voter registration signature.
- Use media, including the use of social media, newspaper, radio, and/or television, to conduct outreach similar to what is recommended in Section 4005.

VII. LANGUAGE ACCESS

Secretary of State

The Secretary of State will:

- Develop and provide a glossary of key election and COVID-19 terms translated into over 20 different languages and provide this information on the Secretary of State's website. Currently, there are 18 translated glossaries available for use, which can be found at <https://www.sos.ca.gov/elections/upcoming-elections/general-election-november-3-2020> under COVID-19 Health and Safety Guidance.

- Offer third-party telephonic-based interpreter services to all county elections officials. The Secretary of State has contracted with a certified vendor to offer this service, which features 24-hour access to interpreters available for use by any county elections official, including their support staff and volunteers. For more information, please refer to CCROV [#20194](#) issued on September 3, 2020, available at: <https://elections.cdn.sos.ca.gov/ccrov/pdf/2020/september/20194rm.pdf>

Counties

County elections officials are encouraged to:

- Use the glossaries and translated election materials created by the Secretary of State.
- Offer ballot marking devices for in-person language access.
- Continue engaging local Language Accessibility Advisory Committees (LAACs) to recruit bilingual poll workers.

VIII. REPORTING

The Secretary of State has requested each county elections official to report on, among other items, regarding the number and locations of in-person voting opportunities secured for the November 2020 General Election, progress with respect to the recruitment of poll workers, and total HAVA expenditures encumbered related to the COVID-19 pandemic.

The survey results can be found at this link under the header “Helpful Resources”:

<https://www.sos.ca.gov/elections/upcoming-elections/general-election-november-3-2020>.

Additional reporting templates will be sent out if more information is needed.

IX. SECRETARY OF STATE STRIKE TEAM

The Secretary of State, pursuant to Section 1604(c), shall establish a strike team to assist counties as needed to:

- Acquire suitable locations for vote centers, polling places, and consolidated polling places, and
- Acquire other assets necessary for the safe and successful conduct of the November 2020 General Election.

EXHIBIT M

Alex Padilla

California Secretary of State

[Home](#) [Elections and Voter Information](#) [California Voter's Choice Act](#)

About California Voter's Choice Act






Key elements of Voter's Choice Act Elections Model

Vote-by-Mail Ballots

Every registered voter in participating counties would be delivered a ballot 28 days before Election Day.

Voters will have three ways to return their ballot:

-  1. Mail the ballot;
-  2. Drop the ballot in a secure county ballot drop box; or
-  3. Visit any vote center in the county.

Vote Centers

Traditional polling places will be replaced by vote centers. Voters will have the freedom to cast a ballot in-person at any vote center in their county instead of being tied to a single polling location. Vote centers look and feel like polling places, but provide additional modern features to make voting easy and convenient.

At any vote center in a participating county, a voter may:

- Vote in-person

- Drop off their ballot
- Get a replacement ballot
- Vote using an accessible voting machine
- Get help and voting material in multiple languages
- Register to vote or update their voter registration

Starting 10 days before the Election and through the Friday before Election Day, one vote center is required for every 50,000 registered voters. On Election Day and the Saturday, Sunday, and Monday leading up to Election Day, one vote center is required for every 10,000 registered voters.

Ballot Drop-Off Locations

Ballot drop-off locations provide voters with an additional way to return their ballot postage free.

Starting 28 days before Election Day there would be at least one drop-off location for every 15,000 registered voters.

Drop-off locations must be secure, accessible to voters with disabilities, and located as near as possible to public transportation routes.

Voter Education and Public Process for Adopting Vote Center Plans

Every county that adopts the Voter's Choice Act model is required to draft and adopt a detailed plan through an open, public process.

In addition, counties are required to hold education workshops with community groups, including organizations that assist voters with disabilities and language minority communities.

Timeline for Implementation

Beginning in 2018, 14 counties are allowed to conduct elections under the Voter's Choice Act model: Calaveras, Inyo, Madera, Napa, Nevada, Orange, Sacramento, San Luis Obispo, San Mateo, Santa Clara, Shasta, Sierra, Sutter, and Tuolumne. All other counties would be allowed to conduct Voter's Choice Act elections beginning in 2020.

These counties implemented the Voter's Choice Act for the 2018 Elections: [Madera](#), [Napa](#), [Nevada](#), [Sacramento](#), and [San Mateo](#).

For the 2020 Elections, 10 more counties decided to adopt and will implement the VCA: [Amador](#), [Butte](#), [Calaveras](#), [El Dorado](#), [Fresno](#), [Los Angeles](#), [Mariposa](#), [Orange](#), [Santa Clara](#), and [Tuolumne](#).

Public Partnerships

The Secretary of State is working closely with community groups and election administrators to develop best practices and ensure a smooth transition to the Voter's Choice Act for California voters.

The Secretary of State has convened an [advisory taskforce \(PDF\)](#) of election experts, disability and language experts, and elections administrators to provide direction, input, and advice regarding the implementation of the Voter's Choice Act.

The Secretary of State is also participating in a working group with the California Association of Clerks and Election Officials ([CACEO](#)) to coordinate the technical, logistical, and legal requirements of the Voter's Choice Act.

Additionally, the Secretary of State is working with community partners, like [Voters Choice California](#), a network of civil rights and advocacy groups, to ensure broad public participation and outreach to California voters.

EXHIBIT N

Date of Hearing: August 21, 2019

ASSEMBLY COMMITTEE ON APPROPRIATIONS
Lorena Gonzalez, Chair
SB 72 (Umberg) – As Amended July 2, 2019

Policy Committee: Elections and Redistricting Vote: 5 - 2

Urgency: No State Mandated Local Program: Yes Reimbursable: Yes

SUMMARY:

This bill requires conditional voter registration (CVR), also referred to as same-day registration, to be available at all polling places. Specifically, this bill:

- 1) Requires a county elections official to offer CVR at all satellite offices of the county elections official and all polling places in the county, in accordance with the following:
 - a) If the elections office, satellite office or polling place is equipped with an electronic poll book or other means to determine the voter's precinct, the elections official shall provide the voter with a ballot for the voter's precinct, if available.
 - b) If the elections official is unable to determine the voter's precinct, or a ballot for the voter's precinct is unavailable, the elections official shall provide the voter with a ballot 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, as specified.
 - c) If the elections official is able to determine the voter's precinct, but a ballot for the voter's precinct is unavailable, the elections official may inform the voter of the location of the voter's polling place. A voter is not required to vote at the voter's polling place and may instead, at the voter's choosing, cast a ballot pursuant to b) above.
- 2) Provides this bill does not apply to elections conducted pursuant to the Voter's Choice Act (VCA).
- 3) Double-joins this bill to AB 693 (Berman), Chapter 99, Statutes of 2019, relating to conditional voter registration.

FISCAL EFFECT:

- 1) This bill contains a state-mandated local program, the costs of which the state will likely need to reimburse pending a determination by the Commission on State Mandates. Actual costs to expand the conditional voter registration program to all non-VCA county satellite offices and polling places are unknown, however, assuming there are nine VCA counties, if every county incurred expenses of only \$3,500, the total costs would be approximately \$150,000 at each election, which would be reimbursed from the General Fund.

Some of the costs may be offset by the savings resulting from fewer provisional ballots cast due to the ability to conditionally vote instead.

- 2) SOS costs are minor and absorbable.

COMMENTS:

- 1) **Purpose.** This bill expands same-day voter registration opportunities by requiring non-VCA counties to offer the same conditional voter registration at all county satellite offices and polling places similar to what is currently offered at official county elections offices.
- 2) **Background.** AB 1436 (Feuer), Chapter 497, Statutes of 2012, permits a person to register to vote and vote at the office of the county elections official at any time, including election day, if certain requirements are met.

Under VCA, counties are permitted to conduct elections in which every voter is mailed a ballot and vote centers and drop-off locations are available prior to and on election day, instead of polling places.

Generally, CVR is required to be available only at permanent offices of the county elections official, though counties have the option of making CVR available at satellite offices of the county elections official. In counties that conduct elections pursuant to the VCA, CVR is required to be available at every vote center. CVR went into effect in 2017, and was available in statewide elections for the first time in 2018.

In addition to the five VCA counties in 2018, Los Angeles, Orange, Fresno, and Mariposa counties are expected to conduct elections under the VCA model beginning in 2020.

In 2018, five non-VCA counties provided conditional voter registration on election day beyond their permanent offices. According to the SOS, the following non-VCA counties offered conditional voter registration at satellite offices: El Dorado; Merced; San Bernardino; Santa Barbara; and Santa Cruz.

For voters living in non-VCA counties, this bill significantly expand access to CVR.

Analysis Prepared by: Jennifer Galehouse / APPR. / (916) 319-2081

EXHIBIT O

Dr. Shirley N. Weber

California Secretary of State

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[Upcoming Elections](#)

2021 County Administered Elections



Upcoming Local Elections

Alameda

- No elections scheduled at this time

Alpine

- No elections scheduled at this time

Amador

- November 2 - UDEL

Butte

- No elections scheduled at this time

Calaveras

- No elections scheduled at this time

Colusa

- No elections scheduled at this time

Contra Costa

- No elections scheduled at this time

Del Norte

- No elections scheduled at this time

El Dorado

- No elections scheduled at this time

Fresno

- March 2 - **Clovis Municipal Election**
- November 2 - UDEL

Glenn

- No elections scheduled at this time

Humboldt

- November 2 - UDEL

Imperial

- August - Bard Water Landowner Election
- November - Meadows Elementary School District
- November - Salton Community Services District
- November - Winterhaven Water District
- November - Bombay Beach Community Services
- November - Seeley Water District

Inyo

- No elections scheduled at this time

Kern

- No elections scheduled at this time

Kings

- No elections scheduled at this time

Lake

- No elections scheduled at this time

Lassen

- No elections scheduled at this time

Los Angeles

- March 2 - Senate District 30 Special Primary Election
- April 13 - Vernon City General Municipal
- April 20 - Compton City Primary Nominating
- June 1 - Compton City (Runoff)
- June 8 - City of Industry
- November 2 - Local and Municipal Elections

Madera

- No elections scheduled at this time

Marin

- March 2 - Flood Control Zone
- March 2 - Permanent Road Division

Mariposa

- No elections scheduled at this time

Mendocino

- No elections scheduled at this time

Merced

- August 31 - Special Election

Modoc

- No elections scheduled at this time

Mono

- No elections scheduled at this time

Monterey

- No elections scheduled at this time

Napa

- No elections scheduled at this time

Nevada

- No elections scheduled at this time

Orange

- March 9 - Second Supervisorial District Vacancy Election

Placer

- No elections scheduled at this time

Plumas

- No elections scheduled at this time

Riverside

- March 2 - Special Municiple Measure Election
- June 8 - City of Riverside City Council
- August 31 - UDEL Mail Ballot
- November 2 - UDEL

Sacramento

- No elections scheduled at this time

San Benito

- No elections scheduled at this time

San Bernardino

- August 31 - 2021 Consolidated Mail Ballot
- November 2 - 2021 Consolidated

San Diego

- April 6 - **Assembly District 79, Special Primary Election**

San Francisco

- No elections scheduled at this time

San Joaquin

- No elections scheduled at this time

San Luis Obispo

- No elections scheduled at this time

San Mateo

- May 4 - Portola Valley School District

Santa Barbara

- No elections scheduled at this time

Santa Clara

- May 4 - Special Election for a School District Parcel Tax Measure

Santa Cruz

- November 2 - UDEL

Shasta

- No elections scheduled at this time

Sierra

- November 2 - UDEL

Siskiyou

- November 2 - UDEL

Solano

- May 4 - City of Vacaville District 2 - Council Vacancy Election

Sonoma

- March 2 - Special Election
- May 4 - Special Election
- November 2 - UDEL

Stanislaus

- No elections scheduled at this time

Sutter

- No elections scheduled at this time

Tehama

- No elections scheduled at this time

Trinity

- No elections scheduled at this time

Tulare

- No elections scheduled at this time

Tuolumne

- No elections scheduled at this time

Ventura

- May 4 - Landowner
- Oct TBD - VCERA-County Retirement

Yolo

- No elections scheduled at this time

Yuba

- No elections scheduled at this time

*For the most up-to-date information, contact your [county elections official](#) or local elections official as some municipal elections may not be included on this list.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On March 3, 2021, I served the:

- **Notice of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date issued March 3, 2021**
- **Test Claim filed by the County of San Diego on December 23, 2020**
Extended Conditional Voter Registration, 20-TC-02
Elections Code Section 2170 as amended by Statutes 2019, Chapter 565 (SB 72)
County of San Diego, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 3, 2021 at Sacramento, California.



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Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/2/21

Claim Number: 20-TC-02

Matter: Extended Conditional Voter Registration

Claimant: County of San Diego

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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