Secretary
of
State

Guide for Conducting a Vote-By-Mail Application Drive

Preface

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

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

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

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

Revised January 2011

Guide for Conducting a Vote-by-Mail Application Drive

Basic Information

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

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

Workers and volunteers should have a copy of the "Instructions for Completing California Vote-by-Mail Ballot Application", which may be found at www.sos.ca.gov/elections/elections_m.htm.

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

Voting by Mail

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

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

California Statewide Application

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

The California Vote-By-Mail Ballot Application may be found on the Secretary of State's website at www.sos.ca.gov/elections/vote-by-mail/pdf/fill-in-vote-by-mail-app-instruct.pdf.

County-Specific Applications

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

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

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

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

What Can be Preprinted on the Application?

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

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

(Elections Code §§ 3006(b)(1), 3008.)

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

What Cannot be Preprinted on the Application?

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

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

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

Submitting the Application

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

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

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

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

Penalties Affiliated With the Vote-By-Mail Voting Process

<u>Fine for not returning vote-by-mail applications</u>

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

<u>No soliciting or electioneering during vote-by-mail voting</u>

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

<u>Nonconforming vote-by-mail application</u>

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

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

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

Willful interference with return of vote-by-mail ballot

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

Fraudulent voting

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

California Vote-By-Mail Ballot Application

Clear Form

Print Form

Rev. 2/12

Enter the date of the election and the type of election (e.g., Primary, General, or Special). This application must be received by your county elections official not later than seven (7) days prior to the date of the election. The date of the election can be found at www.sos.ca.gov/elections/elections_m.htm. A ballot will not be sent to you if this application is incomplete or inaccurate.

1. This is an application for a vote-by-mail ballot for the November 6, 2012, Presidential General **election.**
Month/Day/Year — Type of Election (Primary, General, or Special)

2. Print name: _____ **3. Date of birth:** _____
First — Middle Name or Initial — Last — Month/Day/Year

4. Residence address: _____
Number and Street (P.O. Box, Rural Route, etc. will not be accepted) (Designate N, S, E, W if used)

_____
City — ZIP Code — California County

5. Mailing address for ballot (if different from above):
If your mailing address is outside of the United States, use the Federal Post Card Application at www.fvap.gov.

_____
Number and Street/P.O. Box (Designate N, S, E, W if used)

_____
City — State or Foreign Country — ZIP Code or Postal Code

6. Telephone number (optional): ( ) _____ ( ) _____
Day — Evening

7. ☐ (Only complete Item 7 if this application is for a Presidential Primary Election.)

Yes, I want to request a political party ballot for the Presidential Primary Election.
I have declined to disclose a preference for (formerly known as "registered with") a qualified political party. However, for this primary election only, I request a vote-by-mail ballot for the _____ Party.*

*For information as to which, if any, qualified political parties will allow voters who have declined to disclose a preference for a political party (formerly known as "decline-to-state" voters) to vote the ballot of that political party, contact the Secretary of State at (800) 345-8683 or visit www.sos.ca.gov/elections/npp.htm.

8. ☐ **Yes, I want to become a permanent vote-by-mail voter.**
By checking this box and by initialing here ____, I am requesting to become a permanent vote-by-mail voter. A vote-by-mail ballot will automatically be sent to me in all future elections. I understand that if I fail to vote by mail in four consecutive statewide general elections, I will need to reapply for permanent vote-by-mail voter status.

9. This application must be signed.
I have not applied for a vote-by-mail ballot from any other jurisdiction for this election. I certify under **penalty of perjury** under the laws of the State of California that the information I have provided on this application is true and correct.

Signature: _____ Date: _____

Warning: Perjury is a felony, punishable by imprisonment in state prison for up to four years. (Penal Code § 126)

FOR OFFICIAL USE ONLY

Notice

You have the right to mail or deliver this application directly to your county elections official.

Returning this application to anyone other than your county elections official may cause a delay that could interfere with your ability to vote.

Only the registered voter himself or herself may apply for a vote-by-mail ballot. An application for a vote-by-mail ballot made by a person other than the registered voter is a criminal offense.

Individuals/Organizations/Groups Distributing this Application

The format used on this application must be followed by anyone distributing vote-by-mail ballot applications. Failure to conform to this format is a crime.

Anyone distributing this application may not preprint a mailing address in Item 5.

Anyone distributing this application may not preprint a check mark or political party name in Item 7.

Anyone providing this application to a voter must enter their name, address, and telephone number here:

_____

_____

_____

_____

_____

Instructions for Completing California Vote-By-Mail Ballot Application

Who Can Use this Application

The uniform California Vote-By-Mail Ballot Application can only be used by a registered voter. If you have not already registered to vote, you can find a Voter Registration Form at www.sos.ca.gov/elections/elections_vr.htm, or pick one up at your county elections office, library, or U.S. Post Office. Your completed Voter Registration Form must be submitted to your county elections office at least 15 days before the election.

To vote by mail, you can use this Vote-By-Mail Ballot Application, use the form in the sample ballot booklet you receive in the mail, or send a written request to your county elections office. This Vote-By-Mail Ballot Application is provided by the Secretary of State (SOS) for use by any person, group, or organization distributing vote-by-mail ballot applications for elections that involve more than one county. For organizations distributing applications for elections that involve a single county, the county elections office should be contacted for the appropriate application format and barcode information.

Californians who are serving in the military or living or studying abroad must use a different form, the Federal Post Card Application (FPCA), to register and request a ballot. The FPCA can be found at www.sos.ca.gov/elections/elections_mov.htm.

What Can be Preprinted on the Application

State law requires the voter to personally affix his or her signature and the address to which the ballot is to be mailed.

If an organization is distributing the application, the name, address, and telephone number of the organization authorizing distribution must be included on the application.

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

- The printed name and home address of the voter as it appears on the Voter Registration Form.
- The name and date of the election for which the ballot is requested.
- The name, address, and telephone number of the person, group, or organization authorizing distribution of the application.

How to Fill Out this Application

Item 1. Enter the date of the election in which you wish to vote (month, day, year), and the type of election (Primary, General, or Special).

Item 2. Print your first, middle, and last names as they appear on your Voter Registration Form.

Item 3. Print your date of birth in this order – month, day, year.

Item 4. Print the complete street address of your voting residence. A post office box or rural route cannot be accepted.

Item 5. Mailing address information must be completed by the voter. Print the complete address where you want your ballot sent, if it is different than the residence address provided in Item 4.

Item 6. Print your telephone number (optional, not required) to allow the elections office to contact you if more information is needed.

Item 7. Only complete Item 7 if the application is for a Presidential Primary Election. If you have not disclosed a preference for (formerly known as "registered with") a political party, you may request to vote a party ballot at the Presidential Primary Election if the political party allows it. The checkoff box and name of the political party must be completed by the voter. To find out which political parties have authorized voters who have declined to disclose a party preference (formerly know as "decline-to-state voters") to vote their party's ballot, call the SOS's toll-free Voter Hotline at (800) 345-VOTE (8683). If you choose not to request a political party ballot in the Presidential Primary Election, you will be provided a nonpartisan ballot containing only the names of candidates for voter-nominated and nonpartisan offices and measures, if any, to be voted for at the Presidential Primary Election.

Item 8. Any registered voter may receive a vote-by-mail ballot automatically in all future elections by checking the Permanent Vote-By-Mail Voter box and initialing the line. Any voter can opt out of the permanent vote-by-mail status at any time by contacting their county elections official directly.

Item 9. Sign and date in this order – month, day, year. No witness or notary required.

How to Submit the Application

Your Vote-By-Mail ballot must be returned to your county elections official <u>at least 7 days before the election</u>. However, if you become ill or disabled during the final week before an election, or find that you will be unable to go to your

polling place on election day, you may request that a vote-by-mail ballot be delivered to you by submitting a written application or letter to your county elections official. The request must contain your name and residence address, the address to which you want the ballot sent, the name and date of the election in which you would like to vote, your signature, and the date. You may authorize another person to receive the ballot from the elections official, and/or return the ballot to an elections official after you have voted it.

Please do not send applications to the SOS's office. Doing so will delay the application process.

You can find the address and telephone number of your county elections official on the SOS website at www.sos.ca.gov/elections/elections_d.htm.

(Revised February 2012)