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2016

# GUIDE TO VOTER REGISTRATION DRIVES

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SECRETARY *of* STATE ALEX PADILLA

# Preface

The Secretary of State's Guide to Voter Registration Drives is designed to help political parties, voter registration drive coordinators, petition management companies, circulators, and volunteers understand their responsibilities and requirements when helping people register to vote.

This Guide is designed to reflect all current laws, regulations and rules that pertain to voter registration, 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 shall take precedence.

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

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

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# Chapter I

## Planning A Voter Registration Drive

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### Contact Your Local Elections Office

Planning is the first step of a successful voter registration drive. You must decide if you will conduct your drive using voter registration cards or the California Online Voter Registration applications, or a combination of the two.

Your county elections office can provide you with the materials you need to get started, as well as offer advice about how to conduct a successful registration drive. Please refer to the Secretary of State's website for a list of [county elections offices](#).

### Develop a Plan

After consulting with your county elections office and getting the appropriate materials, you may wish to gather important data. While it is possible to distribute voter registration cards at any location, you may wish to develop a plan to reach the largest number of unregistered citizens in your area.

Two questions you may wish to ask to help you develop a plan include:

- How many people in the area where you want to conduct your voter registration drive are already registered to vote?
- How many of those who are not registered to vote will be 18 by the time of the next election, are U.S. citizens, and are residents of California?

Information to help you answer these questions is available from various census publications and from the [United States Census Bureau](#). Congressional district, city, and state information can be found in the [Guide to State and Local Census Geography](#). These publications also may be available at your local library.

Answering these questions will help you define the scope of your voter registration drive, as well as identify the resources you will need to meet your goals. It may also make the way you approach your efforts more effective and your drive more successful.

### Distribution Form

Any person, group or organization requesting more than 50 voter registration cards from a county elections official or the Secretary of State's office must complete a distribution form and state the distribution plan on the form. The distribution plan should describe how the drive will be organized, what groups will be targeted, what methods will be used to distribute cards, and an acknowledgement that organizers know and will follow the laws and rules relating to voter registration. (California Code of Regulations, title 2, § 20001(g).)

A [Voter Registration Card Statement of Distribution form](#) is available on the Secretary of State's website and in Appendix A.

## **Paying People to Register Citizens to Vote**

Elections Code section 2159.5 states that any person, company, or organization that is paying people to help register citizens to vote, by receiving completed affidavits of registration<sup>1</sup> or by assisting with the submission of an electronic affidavit of registration through the Secretary of State's website, must:

- Maintain a list of the names, addresses, and telephone numbers of everyone that the person, company, or organization has agreed to pay for helping register citizens to vote.
- Provide each person who is being compensated for helping register citizens to vote with a written statement of that person's personal responsibilities and liabilities under Elections Code sections 2138, 2138.5, 2139, 2150, 2158, 2159, 18100, 18101, 18103, 18106, 18108, 18108.1, and 18108.5; and maintain for at least three years, a written acknowledgment that the person received the written statement. [A Sample Statement of Circulator's Responsibilities and Liabilities can be found in Appendix B.]
- Only compensate people who comply with the requirements of Elections Code section 2159, which states in pertinent part that "any person who, in exchange for money or other valuable consideration, assists another to register to vote by receiving the completed affidavit of registration from the elector, shall sign in his or her handwriting and affix directly on the affidavit of registration his or her full name, telephone number, and address, and the name and telephone number of the person, company, or organization, if any, that agrees to pay money or other valuable consideration for the completed affidavit of registration."
- Submit all affidavits of registration collected to the elections official, even if some affidavits do not contain all of the information required by Elections Code sections 2150 and 2159. When submitting the completed affidavits, place the affidavits that contain all of the required information into a group and attach a signed acknowledgement that the affidavits in the group are in compliance with Elections Code sections 2150 and 2159. If there are affidavits that do not contain all of the required information, place them into a group and attach a signed acknowledgment that the affidavits in the group are not in compliance with Elections Code sections 2150 and 2159.

Failure to comply with any of these requirements is a misdemeanor punishable by a fine of up to one thousand dollars (\$1,000), up to one year in jail, or both. The fine and imprisonment time increase upon a third or subsequent conviction. (Elections Code § 18108.5.)

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<sup>1</sup> The Elections Code, in most places, refers to completed voter registration cards as affidavits of registration. For purposes of this guide, completed voter registration cards are referred to as affidavits of registration.

As a registration drive organizer, you should be mindful of the potential for voter registration fraud. A list of possible voter registration fraud indicators can be found in Appendix C. Please contact the Secretary of State's Elections Division at (916) 657-2166 for more information.

# Chapter II

## Training Your Team

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### Training Is Important!

It is critical that everyone working or volunteering for you understands the procedures and laws relating to voter registration. Before being sent out to register people to vote, be certain that each person knows the eligibility requirements for registration and how important it is for registrants to correctly complete the voter registration card.

If your workers or volunteers give out incorrect information, they and you, as the drive organizer, may inadvertently deny a qualified citizen the ability to register to vote or register a person who is not qualified to register to vote. There are criminal penalties for intentionally denying qualified citizens the opportunity to register to vote or for registering someone to vote who is not eligible to register to vote.

Please have your workers or volunteers review this Guide, especially the section “Who Can Register to Vote in California?” which begins on page 7, as well as the Secretary of State’s [Frequently Asked Questions](#).

### Contact Your Local Elections Official

Be sure to contact your local elections official about training everyone involved in your registration drive. Many local elections officials conduct voter registration training programs and have printed material or other resources that might be useful in training your workers and volunteers. Please refer to the Secretary of State’s website for a list of [county elections offices](#).

### Basic Information

The following information should be shared with your workers or volunteers to ensure they are aware of the voter registration laws and regulations, and to help them answer questions about voter registration. Each worker or volunteer must understand that if a person asks a question and the worker or volunteer is unsure of the answer, they should refer the person to the appropriate elections official.

Workers and volunteers should have a copy of the “Voter Registration - Frequently Asked Questions” information in Appendix D when registering voters.

# Voter Registration Card (VRC) – The Basics of Voter Registration

## State Voter Registration Card vs. County Voter Registration Card

### State Voter Registration Card

The state VRC is pre-printed with a mailing address to the Secretary of State's office in Sacramento. These cards come to the Secretary of State's office, are sorted by hand and then forwarded to the appropriate county elections office where the voter is actually placed on the voter rolls.

The state VRC is printed in English, as well as in Spanish, Chinese, Hindi, Japanese, Khmer, Korean, Tagalog, Thai, and Vietnamese, as required by the federal Voting Rights Act.

The benefit of using the state VRC is it can be used in any of 58 counties. However, it will take a person longer to be registered to vote, given that the cards are mailed to one central location, and then mailed out to the appropriate county where the person is registering to vote.

### County Voter Registration Card

The county VRC is identical to the state VRC except the pre-printed mailing address on the front is that of a specific county elections office, so these VRCs can be mailed directly back to the specific county elections office.

Counties are only required to provide election materials in certain languages other than English when the number of residents that speak a minority-language exceeds a certain percentage of the population. Therefore, most counties do not print county VRCs in all nine approved languages.

The benefit of using the county VRC is the person will become a registered voter much quicker, since the card is mailed directly to their home county elections office.

## Which Card to Use

If you are planning a statewide voter registration drive, you should use the state VRC, especially if you plan to register voters at an event or activity that will attract people from different counties.

If you are conducting your drive exclusively in one county, you should use that county's VRC. This will ensure county elections officials will receive the VRC more quickly. Even if you are conducting a regional voter registration drive involving several counties, you may wish to use VRCs that are specific to each county.

If you are conducting a voter registration drive using [RegisterToVote.ca.gov](https://www.register-tovote.ca.gov), the California Online Voter Registration website, you do not have to make a

determination as to which card to use. The electronically submitted affidavits of registration are automatically sent to the appropriate county.

## **Where To Obtain Voter Registration Cards**

VRCs must be provided in sufficient quantities to anyone who wishes to distribute the cards. However, elections officials are precluded by law from giving cards to anyone who has been convicted of violating voter registration laws within the last five years. (Elections Code § 2158.)

To obtain county VRCs, contact the appropriate county elections office. Please refer to the Secretary of State's website for a list of [county elections offices](#).

To obtain state VRCs, contact the Secretary of State's Elections Division at (916) 657-2166.

Anyone requesting more than 50 VRCs from a county elections official or the Secretary of State's office must complete a distribution form, which includes a plan of distribution, in order to obtain the registration cards. A [Voter Registration Card Statement of Distribution form](#) is available on the Secretary of State's website and in Appendix A. In order to receive state VRCs, the completed statement and plan of distribution can be faxed to the Secretary of State's office at (916) 653-3214 or mailed to:

Secretary of State  
Elections Division  
1500 11<sup>th</sup> Street, 5<sup>th</sup> Floor  
Sacramento, CA 95814

Upon receiving a completed request by fax or mail, the Secretary of State will process the request within 48 hours.

If you will be conducting a mass mailing of VRCs without targeting unregistered, eligible citizens and without the intended recipients having asked for the cards, the Secretary of State will help you design a distribution plan to ensure cards are not unnecessarily wasted.

## **Can a Voter Registration Card from One County be Used to Register a Resident of Another County?**

Yes. If a resident of one county uses another county's VRC to register, the county that receives the completed card (affidavit of registration) will forward it to the proper county elections office. (Elections Code § 2114.) However, it is best to use the county-specific cards whenever possible to avoid delays in getting the citizen registered to vote.

## **Deadline for Voter Registration**

Even though citizens can register to vote at any time, if they want to vote in an upcoming election, they must register no later than 15 days before that election. A completed affidavit of registration must be postmarked or delivered in person to the county elections office no later than 15 days before an election. (Elections Code §§ 2102, 2107.)

An affidavit of registration postmarked or received from 14 days prior to Election Day to Election Day will not be valid for the current election. However, the person will be registered to vote in time for the next election. New citizens are an exception; they can register up to and including on Election Day. (Elections Code §§ 331, 3500.)

## **Who Can Register to Vote in California?**

In order to register to vote, a person must be:

- A United States citizen,
- A resident of California,
- 18 years of age or older on Election Day,
- Not currently imprisoned or on parole for the conviction of a felony, and
- Not found by a court to be mentally incompetent.

### **Citizenship**

The most basic requirement for registering to vote is United States citizenship. The 14<sup>th</sup> Amendment to the United States Constitution states, "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside." A person is not a citizen simply because they live in California or are married to a U.S. citizen.

While federal law requires the voter to check a box on the affidavit of registration to indicate that they are a U.S. citizen, Elections Code section 2111 says that a person who signs an affidavit of registration under penalty of perjury is assumed, in the absence of contrary information, to be a citizen. Elections Code section 2112 additionally states that an affidavit of registration is proof of citizenship for voting purposes only; it cannot be used to prove citizenship for any other purpose.

### **Residency**

A voter's residence, for purposes of voter registration, is the address specified by the voter. A voter may have more than one residence, but may only register to vote at the residence the voter considers to be their domicile. For example, a voter may have homes in Red Bluff and San Diego, spending a portion of their time in each. In this case, the voter should register at the address they consider

to be their principal residence, at which they have the intention of remaining, and to which they, when away, intend to return.

A person's residence status depends on their action and intent. If a person moves to another state or another country but intends to return, they may still claim residency in California. However, they cannot register to vote in another state and also continue to vote in California.

If a person is in the service of the United States or the State of California, that person may retain residency in California for voting purposes if stationed elsewhere. (Elections Code § 2025.)

A student who is going to school away from home may register to vote either at the address where they live when going to school or at the address where they live when they are not going to school. If a student is re-registering to vote at their school address, they should fill out the prior registration portion of the card to cancel their previous registration.

Courts have ruled that a homeless person may register to vote at a location they state is the place where they spend most of their time. The person must provide a description of the location that is clear enough for the elections official to establish that person's right to vote in a particular precinct. This ensures accurate elections materials can be provided to this voter. In these instances, a mailing address needs to be provided in order for the voter to receive election materials.

## **Age**

Citizens who will be at least 18 years of age at the time of the next election may register to vote.

## **Incarcerated for a felony conviction**

A person who is convicted of a felony loses the right to register and vote while they are imprisoned or on parole for the conviction of a felony. Once their state prison term or county jail term (for serving a state prison sentence and parole period is completed, the person's ability to vote (if they were previously registered)) or to register and vote is restored. For more information on the rights of people who have been incarcerated, please see the Secretary of State's [Voting Rights for Californians with Criminal Convictions or Detained in Jail or Prison](#).

## **Mental incompetence**

A person found by a court to be mentally incompetent, and therefore disqualified from voting, may not register to vote. The registration of any voter found by a court to be mentally incompetent for voting purposes must be canceled by the county elections official. (Elections Code §§ 2208, 2209, 2210, 2211.)

## **Who Can Register Citizens to Vote?**

You do not need to be a registered voter, be a particular age or even be a resident of the area in order to register voters. However, if you help someone fill out an affidavit of registration, you do have to fill in and sign the affidavit in the spaces provided for that purpose.

## **Partisan Political Activity While Registering Voters**

Any person may, while registering voters, conduct partisan political activity. The law does not restrict your free speech rights when conducting a voter registration drive. Common courtesy and common sense, however, should be practiced.

## **Give a Voter Registration Card to Anyone Who Requests One**

Even if you are conducting a partisan voter registration drive, California law requires you to give a blank VRC to anyone who asks for one and turn in any completed affidavits of registration, regardless of the person's party preference. (Elections Code § 2158; California Code of Regulations, title 2, § 20001(g)(1).) Failure to do so is punishable by a fine. (Elections Code § 18107.)

## **A Citizen Need Not Be Able to Speak and/or Write English in Order to Register to Vote**

There is no literacy requirement for participation in the elections process. If a citizen cannot read or write in any language, they may be assisted in completing a VRC.

Whenever a person, who is being paid to register citizens, provides assistance to a citizen registering to vote, the person assisting must also sign and date the completed affidavit of registration and provide their full name, telephone number, and address, and the name and telephone number of the person, company or organization, if any, that agrees to pay money or other valuable consideration for the completed affidavit of registration. (Elections Code §§ 2150, 2159.) Failure to do so is a misdemeanor and is punishable by a fine, imprisonment or both. (Elections Code § 18108.)

## **You Cannot Charge a Citizen a Fee to Register to Vote**

The 24<sup>th</sup> Amendment to the U.S. Constitution prohibits the use of any poll or other tax as a way to deny people the right to vote. Additionally, Elections Code section 2121 states, "No fees may be charged for registration." A person may, however, solicit campaign contributions while registering voters, as long as that is not a condition for allowing an eligible citizen to register to vote.

## **Change of Address, Voter's Name, or Political Party Preference**

Voters need to re-register to vote whenever they move to a new address, change their name, or change their political party preference. When completing a new affidavit of registration, they should provide both their new and previous registration information. (Elections Code §§ 2115, 2152.)

## **The Circulator May Not Fill in the Blanks on Affidavits of Registration**

The circulator may not fill in the blanks on an affidavit of registration unless the citizen registering to vote asks for that help. If asked for assistance, the circulator must complete the affidavit exactly as the citizen requests. The circulator assisting in filling out the affidavit must also provide all required information on the affidavit (sign and date the affidavit, provide their full name, telephone number, address, and the name and telephone number of the person, company or organization, if any, that agrees to pay money or other valuable consideration for the completed affidavits of registration). Affidavits with any pre-filled "blanks" may not be used. (Elections Code §§ 2159, 2162.)

## **Affidavits of Registration are Signed Under Penalty of Perjury**

To be valid, an affidavit of registration must include the signature of the voter indicating they certify under penalty of perjury that the information on the affidavit is accurate. Perjury is punishable by imprisonment for up to four years. (Penal Code §§ 118, 126.)

## **Information on Affidavits of Registration is Confidential**

Personal information provided on an affidavit of registration is confidential, but is required by law to be released to people who intend to use that information for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State. However, the driver license, identification card or social security number is confidential and will not be released, even for the uses listed above. The voter's signature is also confidential and can only be disclosed in limited circumstances. (Elections Code § 2194.)

The voter registration file may be purchased from the county or from the Secretary of State for the above-listed purposes only. **The voter registration file may not be used for commercial purposes.** (Elections Code § 2194.)

A person wishing to order a copy of the voter registration file must complete an application that requires them to provide their driver license or state identification card number. The person applying must also show their identification to the elections office to verify their identity.

If a person or an organization in charge of the voter registration drive discloses a driver license number, identification card number, social security number, and/or

signature from an affidavit of registration to someone other than an elections official or the person or organization in charge of the voter registration drive, that person is guilty of an infraction. The infraction is punishable by a fine of up to five hundred dollars (\$500). (Elections Code §§ 2138.5, 18111.)

## **Duplicated Voter Registration Cards Cannot Be Used**

Only official state or county-issued VRCs may be used. If your voter registration drive runs out of cards, you may obtain more from the county elections office or from the Secretary of State's office.

You may not print VRCs in the newspaper, in newsletters, or elsewhere. You may, however, print and publish a *request* for a VRC which, when filled out and returned by the citizen, would trigger a voter registration card to be mailed to that citizen for them to complete and return.

## **Returning the Completed Affidavits of Registration**

Completed affidavits of registration may be returned either in person to the county elections official or by depositing them in the mail. If a person accepts a completed affidavit from a voter, that affidavit must be returned in person, to the county elections official or Secretary of State, or deposited in the mail *within three days* of receiving it (excluding Saturdays, Sundays and state holidays) or before the close of registration, whichever is earlier. (Elections Code § 2138.) Failure to submit completed affidavits of registration within this time frame is a misdemeanor. (Elections Code § 18103.)

The circulator must allow a voter to return their own completed affidavit of registration; the circulator cannot interfere with the prompt transfer of a completed affidavit from a voter to the elections office. (Elections Code § 2138.) Refusal to return a completed affidavit to the voter or interference with the prompt transfer of a completed affidavit is a misdemeanor punishable by a fine. (Elections Code § 18103.)

## **Offering Incentives for Registering Voters**

Federal law makes it unlawful in an election in which there is a federal contest on the ballot (e.g., President, U.S. Senate, U.S. Representative) to knowingly and willfully pay, offer to pay, or accept payment for registering to vote or for voting. (52 U.S.C. § 10307(c).) Violations are punishable by a fine up to \$10,000 or imprisonment for up to five years, or both. Any type of incentive is considered "payment," even things as seemingly innocent as cookies or admission to an entertainment event.

## Completing a Paper Affidavit of Registration

### There Are Two Portions to Each Affidavit

**The registration portion.** This section is used to register the voter, is detachable, and can be mailed to the elections official without the need for postage.

**The voter's receipt.** A number is printed on the receipt, which corresponds to the number under the signature block on the registration portion of the affidavit. Anyone helping a person register to vote and returning the completed affidavit to the elections office on behalf of the newly registered voter must fill out the information required on the receipt and give it to the person who is registering to vote. (Elections Code § 2158.)

### Use Ink

The card should be filled out with black, blue, or other dark ink colored pen.

### Print Legibly

All of the information on the affidavit must be legible. If an elections official cannot read the information on the affidavit, they may not be able to enter the voter's name into voter registration file and assign them to the proper precinct and district.

### Complete the Entire Affidavit of Registration

Make sure the person registering to vote fills out the affidavit of registration completely. Any omission of required information may delay or invalidate the registration.

#### **Most common omissions and/or mistakes:**

- **Citizenship and Age:** There are "Yes" and "No" check boxes where the person must check both their citizenship and age eligibility (Item 1).
- **County:** People are accustomed to writing their city and state, but not identifying the county in which they live when writing their address. Information about a person's county is requested in two places on the affidavit: the residence address portion (Item 6) and the prior registration portion (Item 17).
- **Birthplace:** Many people list a city rather than the state or foreign country where they were born (Item 11).
- **Missing Identification Information:** Failure to provide the required driver license number, state identification card number, or the last four digits of the

social security number may cause delays. A person should fill in the proper identification number if they have one (Item 12).

- **Prior Registration:** This section must be completed if the voter has been registered before, whether in California or in another state (Item 17).
- **Signature:** Local elections officials cannot process unsigned affidavits of registration (Item 18).
- **Date:** The person must put the date the affidavit of registration was completed and signed (Item 18).

## **What Happens if the Affidavit of Registration is not Filled Out Completely?**

If the affidavit of registration does not have all the required information, but the voter provided their telephone number, the elections official will call the person to collect the missing information. If the telephone number is not provided or cannot be read, the elections office will try to contact the person at their address to get the missing information. (Elections Code § 2153.)

If neither the telephone number nor the address is provided or readable, the affidavit will be rejected and the person will not be registered to vote.

## **Completing Each Section of the Affidavit**

Elections Code section 2150(a) specifies what information must be provided on an affidavit of registration.

### **Item 1: Citizenship and Age**

The “Yes” and “No” check boxes where the person must check both their citizenship and age eligibility must be completed.

### **Items 2, 3 and 4: Name**

The printed first name, middle name (or initial), and last name of the person registering to vote must be provided. The title Mr., Mrs., Miss, or Ms. is optional. Using a spouse’s name (e.g., Mrs. John Jones) is not allowed.

### **Items 5 and 6: Address**

The address where the person lives or considers their residence must be printed. The address cannot be a post office box, a business address or a commercial mail receiving business. A person might have more than one residence address, but can be registered to vote at only one.

Be certain the person includes all of the information requested, including the apartment unit, or space number (if any), the California county (**not country**), and the zip code.

### **Item 7: No Street Address**

A person does not need to have an address that includes a house number and street name in order to register to vote. However, the person must provide a description of the location that is clear enough for the elections official to establish that person's right to vote in a particular precinct so the proper election materials can be provided to them.

In this case, the person should indicate a description of the location of their residence, using cross streets, landmarks, or other information to pinpoint as precisely as possible where the person lives.

### **Items 8 and 9: Mailing Address**

If a person receives mail at a different location than where they live, that address for mailing should be provided.

### **Item 10: Date of Birth**

Any citizen wishing to register to vote must be at least 18 years old by the date of the next election in order to vote in that election.

### **Item 11: Place of Birth**

The person should indicate the name of the state in the United States, United States territory or the name of the foreign country where they were born.

### **Item 12: California Driver License or Identification Card Number or, if None, Partial Social Security Number**

A person *must* provide a driver license or state identification card number where it is requested on the affidavit. If a person does not have a driver license or state identification card number, the person must provide the last four digits of their social security number.

If county elections officials verify that the person does not have any of the above numbers, a unique identification number will be assigned to the person.

County elections officials must verify all identification numbers provided for a person, as well as the absence of a driver license or state identification number for those who do not provide one. Additionally, if the last four digits of a social security number are provided, the county elections officials must confirm those with the Social Security Administration.

Conflicting information can delay processing of the application, such as when the Department of Motor Vehicles (DMV) indicates a different driver license number for the

person in question, or DMV indicates a driver license for a person when the person has not provided one.

### **Items 13 and 14: Email Address and Telephone Number (Optional)**

If an affidavit of registration has not been filled out completely, providing an email address and/or a telephone number may allow a person to be properly and timely registered to vote. California law requires county elections officials to attempt to contact a person to collect required information that was not included on the affidavit. However, as stated on the affidavit, providing an email address and/or a telephone number is optional for the voter.

### **Item 15: Political Party Preference**

A voter can choose a preference with one of the following six qualified political parties in California:

- American Independent Party
- Democratic Party
- Green Party
- Libertarian Party
- Peace and Freedom Party
- Republican Party

Choosing a preference with a qualified political party ensures a person can vote for that party's candidates in a primary election in which each party selects its nominees.

A person registering to vote may also choose to indicate membership in an alternate "political body" that is attempting to qualify as a political party in California.

Information regarding the qualified political parties and political bodies attempting to qualify may be obtained by calling or writing the chairperson for each party/body. Please refer to the Secretary of State's [Political Parties](#) web page for more information.

A person may decline to disclose a political party preference by marking the "No, I do not want to disclose a political party preference" box within Item 15 on the affidavit. When a person marks this box, the person will be registered as a "no party preference" voter and may not be able to vote for some parties' candidates at a primary election for U.S. President or party committee. In a *primary* election for U.S. President or party committee, no party preference voters may be able to take part by requesting a ballot from their county elections official, if authorized by a political party's rules. For a current listing of participating political parties, please refer to the Secretary of State's [No Party Preference](#) web page or call (800) 345-VOTE (8683). If a no party preference voter does not request a political party ballot, the voter will be given a nonpartisan ballot, containing only the names of candidates for voter-nominated offices and local nonpartisan offices and measures, if any, to be voted upon at the *primary* presidential election.

In a *general* presidential election, a no party preference voter may vote for any candidate on the ballot, regardless of the party preference of the candidate or the party preference of the voter.

If a voter declines to choose a political party preference or if a voter chooses a preference with a political body attempting to qualify they will officially be registered as a no party preference voter.

#### **Item 16: Permanent Vote-By-Mail Voter**

This provides a person the opportunity to become a permanent vote-by-mail voter and automatically receive a vote-by-mail ballot for each election.

#### **Item 17: Previous Registration**

Often when a person moves, they will re-register to vote at the new address without canceling their old registration. Filling out this portion of the affidavit will automatically trigger the cancellation of an out-of-date and/or incorrect voter registration. If a person has been registered to vote several times previously, the most recent registration information should be given.

If a person changes their name, they should indicate the new name in Items 2 and 3 and the former name in Item 17.

A person may also use this part of the affidavit to choose a preference with a different political party. To do so, the person should indicate in Item 14 with which political party, if any, they now wish to choose a preference with, and indicate their prior party preference in Item 17.

The failure to complete this section may preclude a person from being able to re-register to vote.

#### **Item 18: Declaration, Signature, and Date**

All affidavits of registration must be signed by the person wishing to register to vote. When a person signs an affidavit, they are certifying, under penalty of perjury, that they are a citizen of the United States, will be at least 18 years of age by the day of the next election, are not currently imprisoned or on parole for the conviction of a felony, and that the information provided on the affidavit is true and correct. Each person should read and understand the statement and warning on the affidavit before signing it. A person who is unable to write their name can sign the affidavit with a mark or cross.

Each person registering to vote must date the affidavit in the space immediately after the signature. The date of execution is important, especially during periods close to registration deadlines, in the event a postmark cannot be read or does not exist.

### **“Optional” Information Box**

Counties use the Optional A, B, and C boxes to collect information about a voter’s need for election materials printed in a language other than English, the availability to serve as a poll worker, the ability to provide a polling place, and the voter’s ethnic background.

### **“Did Someone Help You Fill Out or Deliver This Form?” (Green Box)**

If any person helps a citizen complete an affidavit of registration, that person **must** sign and date the affidavit below the signature of the person registering. (Elections Code §§ 2150, 2159.)

Additionally, any person who is paid to return the completed affidavit must write directly on the affidavit: their full name, telephone number and address, and the name and telephone number of the person or organization, if any, that is paying money or other valuable consideration for the completed affidavit. (Elections Code § 2159.)

### **Serial Number (below Item 18)**

A unique serial number is printed on every affidavit of registration. This same number is also printed on the affidavit receipt.

### **Voter’s Receipt (bottom of affidavit)**

There is a receipt stub at the bottom of the affidavit that also has the serial number on it. If a circulator takes a completed affidavit of registration to return it to the elections office, the circulator must sign and date the receipt and provide their full name, telephone number, address, and the name and telephone number of the person, company or organization, if any, that agrees to pay money or other valuable consideration for the completed affidavit; this completed receipt must be given to the person. (Elections Code §§ 2150, 2159, 18108.) If there is a problem with the person’s registration as a voter, the person can use the receipt as proof that they have completed an affidavit and intended to register to vote.

# Chapter III

## Penalties for Failing to Comply with Voter Registration Requirements

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### Penalties for the Voter

There are many rights and responsibilities associated with registering to vote. A misuse of those rights and responsibilities can result in criminal fines and penalties.

#### Perjury

An affidavit of registration is signed under penalty of perjury. Penal Code section 118(a) defines perjury, in pertinent part, as follows:

Every person who, having taken an oath that he or she will testify, declare, depose, or certify truly before any competent tribunal, officer, or person, in any of the cases in which the oath may by law of the State of California be administered, willfully and contrary to the oath, states as true any material matter which he or she knows to be false, and every person who testifies, declares, deposes, or certifies under penalty of perjury in any of the cases in which the testimony, declarations, depositions, or certification is permitted by law of the State of California under penalty of perjury and willfully states as true any material matter which he or she knows to be false, is guilty of perjury.

False statements on an affidavit of registration about a voter's name and place of birth are deemed willful and constitute perjury. (*People vs. Darcy* (1943) 59 Cal.App.2d 342, 348-349.)

Perjury is punishable by imprisonment for up to four years. (Penal Code § 126.)

#### Registration of a Person Not Entitled to Register

Any person who allows themselves or any other person to be registered as a voter, knowing that they or any other person is not entitled to registration may be imprisoned for up to three years, or in county jail for up to one year. (Elections Code § 18100.)

#### Fraudulent Voting

Any person who is not entitled to vote at any election (including people who are illegally registered) who votes or attempts to vote, or who tries to vote more than once, may be imprisoned for up to three years, or in county jail for up to one year. (Elections Code § 18560.)

## **Imposition of a Fine in Addition to Imprisonment**

Upon a conviction for any crime punishable by imprisonment in any jail or prison, when a fine is not set forth, 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. This is in addition to the imprisonment prescribed. (Elections Code § 18001.)

## **Penalties for the Person Registering Voters**

There are also penalties associated with violating laws pertaining to the registration of voters.

### **Registration of a Person Not Entitled to Vote**

Anyone who knowingly registers to vote people who are not citizens, are not of voting age, are in prison or on parole for the conviction of a felony, or in any other way are not entitled to register, is guilty of a crime. This crime is punishable by imprisonment for up to three years, or in a county jail for up to one year. (Elections Code § 18100.)

### **Registration of a Nonexistent Person**

Anyone who tries to register a nonexistent person (the definition includes deceased persons, animals, and inanimate objects) to vote is guilty of a crime. This crime is punishable by imprisonment for up to three years, or in a county jail up to one year. (Elections Code § 18100.)

### **Registration of a Person without Their Consent or Registration of a Fictitious Person**

Anyone who tries to register or re-register a fictitious person or any person, who has not requested registration or re-registration as a voter, is guilty of a crime. This crime is punishable by imprisonment for up to three years, or in a county jail for up to one year. (Elections Code § 18101.)

### **Interference With Transfer of an Affidavit of Registration to County Elections Official**

Any person who registers a voter and is entrusted by that voter with the responsibility of returning that voter's affidavit of registration to the appropriate elections official must return the affidavit within three days, not including Saturdays, Sundays, and state holidays, of receipt from the voter or before the close of registration, whichever is earlier.

A voter is also free to return their own affidavit of registration to the county elections official, even when they received the card from a person involved with a registration drive.

Anyone who interferes with the prompt transfer of a completed affidavit of registration to the county elections official, retains a completed affidavit for more than three business days or after the close of registration, or denies a voter the right to return to the county elections official the voter's own completed affidavit, is guilty of a misdemeanor and is punishable by a fine of up to one thousand dollars (\$1,000). (Elections Code § 18103.)

### **Alteration of Party Preference**

Anyone who tampers with a voter's choice of political party preference contained in an affidavit of registration is guilty of a crime. The punishment is imprisonment pursuant to subdivision (h) of Penal Code section 1170 for 16 months or two or three years, or in a county jail for not more than one year. (Elections Code § 18106.)

### **Mailing Voter Registration Cards**

Anyone who mails a VRC to a person who does not request one must include a cover letter or other notice instructing the recipient to disregard the card if the person is already registered. Failure to include a cover letter or other notice will subject the mailer to a fine of up to two hundred dollars (\$200). (Elections Code §§ 2158, 18107.)

### **Failure To Provide a Voter Registration Receipt**

Anyone who helps a citizen register to vote and fails to complete and provide to that citizen the receipt portion of the affidavit of registration is subject to a fine of up to two hundred dollars (\$200). (Elections Code §§ 2158, 18107.)

### **Failure to Complete the Green Box ("Did Someone Help You Fill Out or Deliver This Form?") on the Affidavit of Registration**

Any person who, in exchange for money or other valuable consideration, helps a citizen register to vote by receiving the completed affidavit of registration from the citizen, must sign and date the affidavit of registration and provide their full name, telephone number, address, and the name and telephone number of the person, company or organization, if any, that agrees to pay money or other valuable consideration for the completed affidavit. Anyone who fails to complete the green box is guilty of a misdemeanor. (Elections Code §§ 2150, 2159, 18108.)

See Chapter I, Paying People to Register Citizens to Vote, page 2 and Election Code section 2159.5 for the duties of the drive organizers and Elections Code section 18108.5 for penalties associated with any breach of the duties of the drive organizers.

## **Failure To Give a Voter Registration Card to a Person Requesting One**

Anyone who distributes VRCs must provide a VRC to anyone requesting one. (Elections Code § 2158.) Anyone who violates this law is guilty of an infraction punishable by a fine of up to two hundred dollars (\$200). (Elections Code § 18107.) Any person requesting 50 or more registration cards must sign a statement, under penalty of perjury, that reasonable steps will be taken to ensure that people distributing such cards to potential registrants will give a card to any person requesting one for the purpose of registering to vote. (California Code of Regulations, title 2, § 20001(g)(1).)

## **Voter Registration Lotteries, Prizes, Contests**

Privately sponsored contests to promote voter registration are outlawed under 52 U.S.C. 10307(c), which is part of the Federal Voting Rights Act.

You may not offer food, prizes, discounts, or any other form of compensation to encourage voter registration or to encourage people to vote in elections in which there is a candidate for federal office on the ballot (e.g., President, U.S. Senate, U.S. Representative).

## **Subornation of Perjury**

Every person who has another person commit perjury is guilty of subornation of perjury, and is punishable in the same manner as they would be if personally guilty of the perjury. (Penal Code § 127.)

If an individual knowingly helps an ineligible person register to vote, they are also punishable for perjury and could be charged with this crime. (Penal Code § 126.)

## **Printed Statements on Affidavits of Registration**

It is a crime for a person, other than the voter, to write on an affidavit of registration any statement supporting or opposing any candidate or measure. Any person, other than the voter, who writes such a statement is guilty of a misdemeanor. (Elections Code § 18105.)

## **Misrepresenting Information on Circulator Section of Affidavits of Registration**

Anyone who misrepresents themselves as having registered another person to vote is guilty of a misdemeanor. This crime is punishable by a fine of up to one thousand dollars (\$1,000), by imprisonment in county jail for up to six months or by both the fine and imprisonment. However, upon a third or subsequent conviction of this crime, a person shall be punished by a fine of up to ten thousand dollars (\$10,000), by imprisonment in county jail for up to one year or by both the fine and imprisonment. (Elections Code §§ 2159, 18108.1.)

## **Disclosing Driver License Number, Identification Card Number, Social Security Card Number, or Signature**

If a person or an organization in charge of the voter registration drive discloses a driver license number, identification card number, social security number and/or signature from an affidavit of registration to someone other than an elections official or the person or organization in charge of the voter registration drive, that person is guilty of an infraction. The infraction is punishable by a fine for up to five hundred dollars (\$500). (Elections Code §§ 2138.5, 18111.)

## **Imposition of a Fine in Addition to Imprisonment**

Upon a conviction for any crime punishable by imprisonment in any jail or prison, when a fine is not set forth, the court may impose a fine on the offender for up to one thousand dollars (\$1,000) in cases of misdemeanors or up to twenty-five thousand dollars (\$25,000) in cases of felonies. This is in addition to the imprisonment prescribed. (Elections Code § 18001.)

# **APPENDIX A**

## **Voter Registration Card Statement of Distribution**



## Legal Requirements

- Important -

The following requirements must be complied with by all persons and/or organizations to whom registration cards are issued. Non-compliance may result in referral to the appropriate law enforcement agency.

Receipt – A person who assumes responsibility for returning another person’s completed voter registration card (a completed voter registration card is known as an affidavit of registration) to the elections official, must complete the green box section of the affidavit by signing, dating and listing their name, address and telephone number on the card itself and on the receipt portion of the affidavit. (Elections Code § 2158.)

Return of Affidavits – Persons distributing voter registration cards must return all completed affidavits in their possession within three working days, excluding Saturdays, Sundays, and state holidays. Retaining completed affidavits for more than three days, or denying the voter’s right to return his or her completed affidavit is a misdemeanor. All blank cards must be returned to the elections official immediately after the 15<sup>th</sup> day preceding a statewide primary or general election, and whenever instructed to do so by the elections official. (Election Code §§ 2138, 2139, 18103.)

Unsolicited Mailing – Any mailing of a voter registration card to a person who did not request one must be accompanied by a cover letter or other notice with each card, instructing the recipient to disregard the card if he or she is currently registered to vote. (Elections Code § 2158.)

Note: Organizations receiving completed affidavits of registration for delivery to the elections official must ensure that all affidavits completed in whole or in part by prospective registrants are promptly forwarded to the elections official. This includes affidavits containing irregularities or minimal information, i.e. a name and address.

The elections officials, not the organization distributing or receiving affidavits, will determine the validity of the registration.

## **APPENDIX B**

### **Sample Statement of Circulator's Responsibilities and Liabilities**

## **Statement of Circulator's Responsibilities and Liabilities (Elections Code § 2159.5(a))**

By signing this statement, I acknowledge that I am being paid to register voters in compliance with the California Elections Code and that I have received a copy of this statement. Specifically, I understand and acknowledge:

- I am required to return any completed voter registration cards (completed voter registration cards are known as affidavits of registration) I receive to the voter's county elections official or to mail the cards within three days of their receipt, excluding Saturdays, Sundays, and state holidays. (Elections Code § 2138.)
- An affiant's driver's license number, identification card number, social security number, and signature contained on an affidavit of registration are confidential and shall not be disclosed by myself or the organization that distributes voter registration cards. (Elections Code § 2138.5(a).)
- I shall not use affidavit of registration information for any personal, private, or commercial purpose, including for any of the following:
  - The harassment of a voter or voter's household.
  - The advertising, solicitation, sale, or marketing of products or services to a voter or voter's household.
  - Reproduction in print, broadcast visual or audio, or display on the Internet.(Elections Code § 2138.5(b)(1).)
- I shall employ reasonable security measures, including employing administrative and physical safeguards, and, for affidavit of registration information available in an electronic form, technical safeguards, to protect the voter registration information from unlawful disclosure and misuse. (Elections Code § 2138.5(b)(2).)
- On the day of close of registration for any election, I will immediately return all completed affidavits of registration in my possession to the voter's county elections official. (Elections Code § 2139.)
- For every voter that I help register, I will identify myself in the circulator section of the affidavit of registration by writing my full name, address, telephone number, date, my signature, and the name and phone number of the party that pays me, and will give the receipt to the voter. (Elections Code §§ 2150, 2158(b)(2), 2159.)
- I am required to provide a voter registration card to anyone who requests one. (Elections Code § 2158(b)(3).)
- If I mail voter registration cards to people who have not requested them, I will include a cover letter with the card instructing recipients to disregard the card if they are currently registered to vote. (Elections Code § 2158(b)(4).)
- Voter registration fraud is serious and could be prosecuted as a felony. I further acknowledge that I may be prosecuted for any of the following offenses:
  - 1) Registration of a person that I know to be ineligible to register to vote or registration of a fictitious or nonexistent person. (Elections Code §§18100-18102.)

- 2) Interference with the prompt transfer to the county elections official of, or the retention of, an affidavit of registration without the voter's consent for more than three days, excluding Saturdays, Sundays, or state holidays. (Elections Code § 18103.)
- 3) Denial of the voter's right to return his or her own affidavit of registration to his or her county elections official. (Elections Code § 18103.)
- 4) Writing or affixing to an affidavit of registration any statement urging or indicating support or opposition to any candidate or measure. (Elections Code § 18105.)
- 5) Alteration of a voter's party preference declaration contained in an executed, or partially executed affidavit of registration. (Elections Code § 18106.)
- 6) Failure to complete the receipt on the affidavit of registration and provide it to the voter; failure to provide a voter registration card to anyone who requests it; and failure to include a cover letter when mailing voter registration cards to people who have not requested them. (Elections Code §§ 2158, 18107.)
- 7) Failure to identify myself in the circulator section of the affidavit of registration by writing my full name, address, telephone number, date, my signature, and the name and phone number of the party that pays me. (Elections Code § 18108.)
- 8) Misrepresenting that I helped a voter register by writing my information in the circulator section of the affidavit of registration, knowing it to be false. (Elections Code § 18108.1.)
- 9) Failure to acknowledge receipt of this written statement of rights and responsibilities and comply with the above listed requirements. (Elections Code § 18108.5.)
- 10) Knowingly disclose a driver license number, identification card number, social security number, and/or signature from a citizen's affidavit of registration to someone other than an elections official or the person or organization in charge of the voter registration drive. (Elections Code §§ 2138.5, 18111.)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Voter Registration Drive Representative

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

# **APPENDIX C**

## **Possible Voter Registration Fraud Indicators**

## **Possible Voter Registration Fraud Indicators**

As a registration drive organizer, you should be mindful of fraudulent voter registration issues. The following list sets forth a number of different areas where fraud could be present; however, any observations of problems or inconsistency in these areas do not conclusively indicate the presence of fraud.

### **Address**

Incomplete addresses, missing apartment numbers, common misspellings, zip code mismatches, and the frequent occurrence of temporary housing addresses (shelters, missions, halfway houses).

### **Date of Birth**

Month and day are out of range (e.g. February 29<sup>th</sup> in a non-leap year, June 31<sup>st</sup>).

### **California Driver License or State Identification Card Number**

The California driver license or state identification card number will always be a letter followed by 7 numbers. The letters I, L, Q, T and X were never used in the issuance of numbers on California identification cards or driver licenses.

### **Social Security Number**

The valid range for the last four digits of a social security number is 0001- 9999. A social security number with four successive zeros is invalid.

### **Telephone Number**

If the phone number is disconnected, the wrong party, or a fax line.

### **Political Party Preference**

If the political party preference has been crossed out, erased, changed, or completed with a different pen.

### **Previous Registration**

If circulators submit large groups of affidavits of registration that do not contain previous registration information.

### **Assisting Circulator Section**

Affidavits missing any part of the circulator's full name, address, telephone number, signature, or the name and phone number of the paying party is out of compliance with Elections Code section 2159.

# **APPENDIX D**

## **Voter Registration – Frequently Asked Questions**

## **Voter Registration – Frequently Asked Questions**

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### **Who is eligible to register to vote?**

Anyone can register to vote if they are:

- A United States citizen,
- A resident of California,
- 18 years of age or older on Election Day,
- Not currently imprisoned or on parole for the conviction of a felony currently , and
- Not found by a court to be mentally incompetent.

### **Must a person provide identification when registering to vote?**

- Yes. When registering or re-registering to vote, the voter must provide a California driver license or state ID number, if they have one, in the fields provided on the affidavit of registration.
- If the voter does not have a California driver license or state ID number, they must provide the last four numbers of their social security number in the field provided.
- If the voter does not have a California driver license, a state ID card or a social security number, the voter can still register. The county elections official will assign a unique identification number to the voter.
- Item 17 of the affidavit of registration must be completed if the voter has been previously registered to vote.

### **When is the last day to register to vote for an election?**

A person must submit a completed and signed affidavit of registration to their county elections office no less than 15 days before an election to be eligible to vote in that election.

### **Can inmates register and vote?**

A person who is convicted of a felony loses the right to register and vote while they are imprisoned or on parole for the conviction of a felony. Once their state prison term or county jail term (for serving a state prison sentence and parole period is completed, the person's ability to vote (if they were previously registered) or to register and vote is restored. For more information on the rights of people who have

been incarcerated, please see the Secretary of State's [Voting Rights for Californians with Criminal Convictions or Detained in Jail or Prison](#).

## **When must a voter re-register to vote?**

A voter must re-register to vote:

- Whenever there is a change in residence address. However, if a voter moved into a temporary residence that they do not intend to be their permanent residence, they can continue to use their prior residence where they were previously registered to vote as the address for the purpose of voting.
- To change their political party preference.
- To change their surname.

Upon re-registration, Item 17 of the affidavit of registration must be completed with the voter's previous registration information.

## **If a voter just moved within their county, do they need to re-register to vote?**

If a voter moved to a new address within the same county, they can either re-register to vote or they can update their registration with a written notice to their county elections official.

## **If a voter did not vote in the last election do they need to re-register?**

No. In general, a voter is registered for as long as the voter lives at the same address. However, if a voter has not voted in the last several elections, they may be sent a request to confirm that they have not moved.

## **If a person does not vote in a primary election, will they be able to vote in the following general election?**

Yes.

## **If a voter is away at school, what address (college or parents') can they use?**

A voter may use whichever address they consider to be their domicile, but not both.

## **If a person is on probation, mandatory supervision, or post-release community supervision can they register to vote?**

Yes.

**If a wife's husband is out of town but he needs to register, may the wife register him?**

No. He must sign the affidavit of registration himself, under penalty of perjury. He can complete the affidavit and mail it from wherever he is. He may also [register online](#) at the Secretary of State's website.

**If a voter registers to vote can the voter be called for jury duty?**

Jury duty lists are compiled from a variety of sources, including the Department of Motor Vehicles records and the voter registration file.