



A Short Guide to Helping People Register to Vote Under California Law

Who is Eligible To Vote?

In California, an individual is qualified to vote if she:

- Will be at least 18 years of age at the time of the next election¹;
- Is a resident of the state of California; and
- Is a U.S. citizen²

What Constitutes a Complete Voter Registration Application?

Federal law³ requires that a voter registration application include and require:

- Driver's License or State ID number; or, if none,
- Last four digits of Social Security number; or, if none
- The state will assign the applicant a number; and
- Check boxes for citizenship and age. (Most jurisdictions assert that both check boxes must be completed.)

Federal law authorizes states to only require identifying information that "is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process."⁴

Information required by California Law:

- Full name
- Place of residence
- Mailing address, if different from place of residence
- Date of birth
- CA driver's license number, state ID number, or last four digits of Social Security number. If the applicant has not been issued one of these numbers, the state will assign a number for registration purposes.
- Statement that the applicant is not currently imprisoned or on parole for conviction of a felony
- Prior registration information
- State or country of applicant's birth (not city)
- County of residence
- Signature certifying that the information in the application is true
- Signature of any person who assists the applicant in completing the application⁵



What is the Deadline for Submitting Registration Applications?

A completed voter registration card must be postmarked or delivered no later than 15 days before an election.⁶

What are the State Rules Governing Voter Registration Drives?

Are there restrictions on copying completed voter registration applications prior to submitting them to the registrar?

No. However, disclosure of a driver's license number, ID card number, or social security number to anyone other than an election official or person in charge of the voter registration drive will result in an infraction punishable with a fine of up to \$500.⁷

Are voter registration groups subject to time limits for submitting the voter registration applications they have collected?

Yes. Registration applications must be delivered or mailed to the county elections official or the Secretary of State within three days of receipt from the applicant, or by the close of registration, whichever is earlier.⁸ Saturdays, Sundays, and holidays are excluded. Moreover, on the day of the close of registration for any election, all organizations that have submitted a distribution plan must immediately return all completed affidavits, and all unused affidavits must be returned upon completion of the distribution plan.⁹

What are the consequences for failing to submit voter registration applications on time?

Knowingly or negligently failing to submit a completed voter registration card is a misdemeanor.¹⁰

Are voter registration groups prohibited from putting identifying marks on completed voter registration applications?

No. However, the affidavit portion of the registration card cannot be marked or stamped by any person other than the applicant.¹¹

Are there special rules requiring a third party to sign her name to the completed voter registration application?

Yes. Any person who assists the applicant must sign and date the application below the signature of the applicant.¹² Any person who is paid to assist another to register to vote must sign and affix directly on the application her full name, telephone number, and address, and the name and telephone number of the person, company, or organization that agrees to pay for the completed application. Failure to comply with this section shall not cause the invalidation of the registration of the voter.¹³

Does the state require voter registration organizations to register or file other information detailing its voter registration activities?

Yes. Any organization requesting more than 50 voter registration cards 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.¹⁴

In addition organizations must maintain a list of the names, addresses, and telephone numbers of all individuals that the organization has agreed to compensate for assisting others to register to vote, and a written statement signed by the canvasser that the canvasser understands his personal responsibilities and liabilities. This information must either be maintained by the organization for three years or given to the county election official.¹⁵

Does the state require any training in order to conduct voter registration drives?

No. Training is not required, but is suggested.¹⁶



What are the State Rules Governing Voter Registration Drives? *Continued*

Does the state have restrictions on who may help others register to vote?

No. However, every person who assists an applicant in filling out her registration card must sign and date the card below the applicant's signature.¹⁷

Does the state have restrictions on whether canvassers may be paid?

Yes. Any person or organization that is paying people to help register applicants must:

- Maintain a list of names, addresses, and telephone numbers of everyone who is being paid by the organization to register applicants;
- Provide each person being compensated with a written statement of their personal responsibilities and liabilities under Election Code sections 2138, 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;
- Only pay people who comply with Election Code section 2159; and
- Submit all cards collected to the elections official, separating the cards that are complete from the cards that are incomplete with a signed acknowledgement that the cards in that group are not in compliance with Election Code requirements.

Failure to comply with these requirements is punishable by a fine of up to \$1000 or by one year in jail, increasing with each subsequent conviction.¹⁸

How are completed voter registration forms tracked?

Each registration card has a unique serial number printed on it and a receipt stub at the bottom. If a third party organization delivers a completed registration card for the applicant, the agent of the third party organization must sign and date the receipt and provide their full name, telephone number and address. If the agent is being paid to register applicants, she must provide the name and address of the person or organization that is compensating her as well. If there is a problem with the applicant's registration, the receipt can be used as proof of completion and intent to register.¹⁹ Anyone who assists an applicant and fails to provide the receipt is subject to a fine of up to \$200.²⁰

Who is responsible for investigating and enforcing the state rules?

The Secretary of State is the chief elections officer of the state, and shall administer the provisions of the Elections Code. The Secretary of State shall see that elections are efficiently conducted and that state election laws are enforced.²¹ The Secretary of State's Election Fraud Investigation Unit is responsible for investigating violations of the California Elections Code.²²

What are the Rules for Correcting Incomplete Applications?

If a voter registration application is incomplete, may the voter registration drive write the missing information on the application with the consent of the applicant?

Yes, if in the presence of the applicant. The voter registration card may not be partially or fully completed by any person besides the applicant or a person assisting the applicant in completing the card at the request of the applicant.²³ This has been interpreted to mean that no one may fill in blanks on registration cards unless asked by the applicant, and if asked that person must fill out the card exactly as the applicant requests.²⁴

How may an applicant correct an incomplete application after it has been submitted to county election officials?

If the application is incomplete and the telephone number is legible, the county elections official will telephone the applicant and attempt to collect the missing information. If the official is not able to collect the information by telephone, she will notify the applicant by mail the reason for rejection and will send a new voter registration card.²⁵



Notes

1. Cal. Election Code § 2000 (West 2011)
2. Cal. Const. art. II, § 2
3. Help America Vote Act of 2002, Section 303(b)(4)(B)
4. National Voter Registration Act of 1994 Sec. 1973gg-7(b)
5. Cal. Election Code § 2150 (West 2011)
6. Cal. Election Code § 2102 (West 2011)
7. Cal. Election Code §§ 2138.5, 18111 (West 2011)
8. Cal. Election Code § 2138 (West 2011)
9. Cal. Election Code § 2139 (West 2011)
10. Cal. Election Code § 18103 (West 2011)
11. Cal. Election Code § 2162 (West 2011)
12. Cal. Election Code § 2150(d) (West 2011)
13. Cal. Election Code § 2159 (West 2011)
14. Cal. Admin. Code tit. 2, § 20001; Secretary of State, Guide to Voter Registration Drives, sos.ca.gov, I (last revised June 2011) available at: http://www.sos.ca.gov/elections/elections_vr.htm (citing Cal. Code Regs. tit. 2, § 20001(g) (2011))
15. Cal. Election Code § 2159.5
16. Secretary of State, Guide to Voter Registration Drives, at 4.
17. Cal. Election Code § 2150(d) (West 2011)
18. Cal. Election Code § 2159.5 (West 2011)
19. Cal. Election Code § 2158(b)(1) (West 2011)
20. Cal. Election Code § 18107 (West 2011)
21. Cal. Government Code § 12172.5 (West 2011)
22. Secretary of State, Guide to Voter Registration Drives, at i.
23. Cal. Election Code § 2162 (West 2011)
24. Secretary of State, Guide to Voter Registration Drives, at 10.
25. Cal. Election Code § 2153 (West 2011)

Project Vote is a national nonpartisan, nonprofit organization that promotes voting in historically underrepresented communities. Project Vote takes a leadership role in nationwide voting rights and election administration issues, working through research, litigation, and advocacy to ensure that our constituencies can register, vote, and cast ballots that count.

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