
REBECCA SPENCER
Registrar of Voters



ART TINOCO
Assistant Registrar of Voters

REGISTRAR OF VOTERS
COUNTY OF RIVERSIDE

March 12, 2019

Ken Calvert
United States House of Representatives
42nd District
400 South Vicentia Avenue, Suite 125
Corona, CA 92882

Dear Congressman Calvert,

I am in receipt of your letter dated March 4, 2019 containing 27 questions regarding vote by mail ballot processing in Riverside County. Below are the responses to your questions:

1. When an individual obtains a vote by mail ballot from a voter and is designated to return it on their behalf, are they required to provide their name, the name of the organization they are working on behalf of or any other identifying information to the voter who is turning over their ballot?

California Elections Code 3011(a) requires that the vote by mail identification envelope contain the name of the person authorized by the voter to return the vote by mail ballot pursuant to Section 3017, the relationship to the voter of the person authorized to return the vote by mail ballot, and the signature of the person authorized to return the vote by mail ballot. California Elections Code 3011(c) also states "a ballot shall not be disqualified solely because the person authorized to return it did not provide on the identification envelope his or her name, relationship to the voter, or signature."

2. Are individuals who collect vote by mail ballots from voters required to document the ballot's chain of custody in any way?

California Elections Code 3017(a)(2) states that the person designated to return the ballot shall return the ballot in person or put the ballot in the mail. There is no provision in the California Elections Code requiring documentation of the vote by mail ballots chain of custody.

3. If an individual collects a vote by mail ballot from a voter, are they permitted to turn over that ballot to another individual or organization before it is returned to an authorized voting location?

California Elections Code 3017(a)(2) states that the person designated by the voter shall return the ballot.

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4. If it is clear that a vote by mail ballot is being dropped off by a person other than the voter – e.g. the person is dropping off more than one ballot – and the envelopes are not signed by the third party, is that documented and is the ballot counted?

California Elections Code 3011(c) states “a ballot shall not be disqualified solely because the person authorized to return it did not provide on the identification envelope his or her name, relationship to the voter, or signature.”

5. What identifying information does the Riverside County Registrar of Voters collect from an individual who delivers vote by mail ballots on behalf of other voters?

We collect the information that is provided on the vote by mail identification envelope.

6. Does the Riverside County Registrar of Voters document and maintain a list of persons who collect and submit vote by mail ballots for others? If such a list is created, is it subject to public disclosure?

The Riverside County Registrar of Voters does not maintain a list of persons who collect and submit vote by mail ballots for others. The only documentation is the information that is provided on the vote by mail identification envelope.

7. Is there a numerical threshold in terms of numbers of vote by mail ballots turned in by an individual that triggers an identification requirement? i.e. Is an individual turning in 10 vote by mail ballots required to submit and disclose their personal information? An individual turning in 100 vote by mail ballots? An individual turning in 1000 vote by mail ballots?

There are no provisions in the California Elections Code that set a numerical threshold.

8. What are the eligibility qualifications for an individual who collects and returns vote by mail ballots? Do they have to be an eligible voter?

California Elections Code 3017(a)(2) states that a vote by mail voter may designate any person to return their ballot. The California Elections Code does not specify any other eligibility qualifications for an individual who collects and returns vote by mail ballots.

9. Are non-California residents eligible to collect and return vote by mail ballots?

California Elections Code 3017(a)(2) states that a vote by mail voter may designate any person to return their ballot. Non-California residents are permitted to collect and return vote by mail ballots if they are specifically designated by the vote by mail voter to return the ballot on the voters behalf and are not compensated based on the number of ballots returned.

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10. Are non-citizens eligible to collect and return vote by mail ballots?

California Elections Code 3017(a)(2) states that a vote by mail voter may designate any person to return their ballot. Non-citizens are permitted to collect and return vote by mail ballots if they are specifically designated by the vote by mail voter to return the ballot on the voters behalf and are not compensated based on the number of ballots returned.

11. Are foreign nationals in the United States eligible to collect and return vote by mail ballots?

California Elections Code 3017(a)(2) states that a vote by mail voter may designate any person to return their ballot. Foreign nationals that are in the United States are permitted to collect and return vote by mail ballots if they are specifically designated by the vote by mail voter to return the ballot on the voters behalf and are not compensated based on the number of ballots returned.

12. Is there a maximum limit or cap on the number of vote by mail ballots an individual is allowed to collect and return?

The California Elections Code does not specify a maximum limit or cap on the number of vote by mail ballots an individual is allowed to collect and return.

13. AB 1921 indicates it is unlawful for individuals collecting vote by mail ballots to fail “to deliver the ballot in a timely fashion.” What do you consider to be a timely fashion to return a vote by mail ballot once an individual collects it from a voter?

California Elections Code 3017(a)(2) states “The person designated shall return the ballot in person, or put the ballot in the mail, no later than three days after receiving it from the voter or before the close of the polls on election day, whichever time period is shorter. Notwithstanding subdivision (d), a ballot shall not be disqualified from being counted solely because it was returned or mailed more than three days after the designated person received it from the voter, provided that the ballot is returned by the designated person before the close of polls on election day.” The ballot must be in the possession of the elections official no later than the close of the polls on election day or postmarked on or before election day and received no later than three days after election day.

14. Is a political campaign, including paid staff, allowed to collect and return vote by mail ballots?

California Elections Code 3017(e) states “A person designated to return a vote by mail ballot shall not receive any form of compensation based on the number of ballots that the person returns and an individual, group, or organization shall not provide compensation on this basis.” “Compensation” means any form of monetary payment, goods, services, benefits, promises or offers of employment, or any other form of consideration offered to another person in exchange for returning another voter’s vote by mail ballot.

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15. Is a non-profit organization allowed to collect and return vote by mail ballots?

California Elections Code 3017(a)(2) states that a vote by mail voter may designate any person to return their ballot. An individual working for a non-profit organization is permitted to collect and return vote by mail ballots if the individual is specifically designated by the vote by mail voter to return the ballot on the voters behalf and is not compensated based on the number of ballots returned.

16. Are businesses, including corporations, allowed to collect and return vote by mail ballots?

California Elections Code 3017(a)(2) states that a vote by mail voter may designate any person to return their ballot. An individual working for a business is permitted to collect and return vote by mail ballots if the individual is specifically designated by the vote by mail voter to return the ballot on the voters behalf and is not compensated based on the number of ballots returned.

17. Is a labor union allowed to collect and return vote by mail ballots?

California Elections Code 3017(a)(2) states that a vote by mail voter may designate any person to return their ballot. An individual working for a labor union is permitted to collect and return vote by mail ballots if the individual is specifically designated by the vote by mail voter to return the ballot on the voters behalf and is not compensated based on the number of ballots returned.

18. Is a church allowed to collect and return vote by mail ballots?

California Elections Code 3017(a)(2) states that a vote by mail voter may designate any person to return their ballot. A church member is permitted to collect and return vote by mail ballots if the individual is specifically designated by the vote by mail voter to return the ballot on the voters behalf and is not compensated based on the number of ballots returned.

19. AB 1921 makes it unlawful for anyone to provide any form of compensation based on the number of vote by mail ballots collected and returned. Are there any other restrictions on compensating individuals collecting and returning vote by mail ballots?

The California Elections Code specifies the following restrictions: "A person designated to return a vote by mail ballot shall not receive any form of compensation based on the number of ballots that the person returns and an individual, group, or organization shall not provide compensation on this basis." "Compensation" means any form of monetary payment, goods, services, benefits, promises or offers of employment, or any other form of consideration offered to another person in exchange for returning another voter's vote by mail ballot.

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20. Are campaigns permitted to hire private outside vendors to conduct vote by mail ballot collection and return activities so long as they do not provide compensation based on the number of ballots collected?

A vote by mail voter may designate any person to return their ballot. A person designated to return a vote by mail ballot shall not receive any form of compensation based on the number of ballots that the person returns and an individual, group, or organization shall not provide compensation on this basis.

21. Are individuals collecting vote by mail ballots required to disclose to the voter turning over their ballot if they are collecting ballots on behalf of an organization or campaign?

There are no provisions in the California Elections Code mandating the individual collecting vote by mail ballots to disclose any information. A vote by mail voter may designate any person to return their ballot.

22. Are individuals collecting vote by mail ballots required to disclose to the voter turning over their ballot if they are being compensated to collect ballots?

There are no provisions in the California Elections Code mandating the individual collecting vote by mail ballots to disclose any information. A vote by mail voter may designate any person to return their ballot.

23. How can a voter that turned over their vote by mail ballot to an individual who indicated they would return it verify whether or not the ballot was returned?

A voter can verify the return status of their vote by mail ballot by visiting the California Secretary of States website. A ballot status verification tool is available on the website for at least 30 days after Election Day. Voters may also call the Riverside County Registrar of Voters office to verify the return status of their vote by mail ballot.

24. If a voter that turned over their vote by mail ballot to an individual who indicated they would return it believes the ballot was not submitted in a timely fashion as required by law, what recourse do they have?

Voters who believe that their ballot was not submitted in a timely fashion should contact the Riverside County Registrar of Voters and file an official complaint. The complaint will be forwarded to the California Secretary of State fraud unit and Riverside County District Attorney's office for investigation.

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25. You currently document and make public whether a voter cast a ballot in an election and, if they did vote, which method the voter used to cast a ballot. Do you have a new category to document ballots cast utilizing the ballot collection methods authorized by AB 1921?

We currently document whether a voter voted a polling place ballot, provisional ballot, or vote-by-mail ballot. A ballot returned under AB 1921 is still considered a vote by mail ballot and would be documented as a vote by mail ballot.

26. When vote by mail ballots are returned by an individual, what procedures do you and your staff follow to ensure the ballots were not tampered with?

Our office follows the procedure set forth in the California Elections Code, which includes the following steps: each vote by mail return envelope is reviewed to make sure that it is sealed and signed by the voter. The signature on the envelope is compared to the signature on the voters original voter registration card. If the signature is valid the ballot is counted. If the signature does not match a signature verification statement is mailed to the voter prior to certification of the election. The voter is given a second opportunity to submit a valid signature.

27. If physical evidence, such as opened and taped envelopes or a high frequency of spoiled ballots, was present in a batch of vote by mail ballots returned by an individual, what steps would you take?

I would contact the voters to offer a replacement ballot and the physical evidence would be provided to the California Secretary of States fraud unit and the Riverside County District Attorney's office for investigation.

My staff and I take election integrity and voter fraud seriously. We administer elections in compliance with election laws and non-partisan decision making. We pride ourselves in conducting honest and impartial elections in a fair and accurate manner on behalf of those we serve. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink that reads "Rebecca Spencer". The signature is written in a cursive, flowing style.

REBECCA SPENCER
Riverside County Registrar of Voters