



Helping Voters Register Under California Law

Important: Voter registration drives in California have to follow certain state laws and rules, such as a requirement in some circumstances that the drive register with the state to collect voter registration applications, and turn in applications within a certain period of time after receiving them. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

About this guide: The guide is broken up into parts: 1) Who is Eligible, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

Need assistance? Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, www.projectvote.org, info@projectvote.org.

PART 1: ELIGIBILITY

In California, an individual may register and vote if the person:¹

- Will be at least 18 years of age at the time of the next election;²
- Is a resident of the state of California;³
- Is a U.S. citizen⁴
- is not adjudged mentally incompetent;⁵ and
 - An individual with a disability who is under a conservatorship may be registered to vote if he or she has not been disqualified from voting.⁶
- Is not imprisoned or on parole for conviction of a felony⁷

PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:

- **Homeless Applicants:** Homeless persons 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. A mailing address needs to be provided for the voter to receive election materials.⁸
- **Felony Convictions:** If otherwise eligible, persons may register if they are not imprisoned or on parole for conviction of a felony. Persons who are serving a state prison sentence in county jail may not register. . Persons on post release community supervision or probation may register. The Secretary of State's guide to Voting Rights for Californians with Criminal Convictions or Detained in Jail or Prison can be found at

<http://www.sos.ca.gov/elections/voting-resources/new-voters/who-can-vote-california/voting-rights-californians/>.

- **College Students:** 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 a school address, they should fill out the prior registration portion of the card to cancel their previous registration.⁹

PART 3: FILLING OUT AN APPLICATION

California requires the following information¹⁰:

- Checkboxes indicating citizenship and age¹¹
- Full name
- Place of residence, including county
- Mailing address, if different from place of residence
- Date of birth
- A current and valid CA driver's license number, or, if none, the last four digits of the person's social security number. If the applicant has not been issued either number, the state will assign a number for registration purposes.
- Affirmation that the applicant is not currently imprisoned or on parole for conviction of a felony
- Prior registration information, if any
- Political party preference
 - Applicants may decline to disclose a preference and still register to vote, but may not be eligible to vote in primary elections¹²
- Signature or mark certifying that the information in the application is true and correct under penalty of perjury with date of signing
 - If the applicant does not indicate the date the application was signed, the application will be presumed to have been signed by the 15th day before the election as long as it is received by the election official before that day or postmarked by the day and received by mail by the election official¹³
 - If a person is unable to write he or she must sign with a mark or cross.
- Signature and date of any person who assists the applicant in completing the application

PART 4: VOTER REGISTRATION DEADLINE

- A completed voter registration card must be postmarked or delivered no later than 15 days before an election. Online applications must also be submitted on the secretary of State's website on or before the 15th day before the election.¹⁴
- **A specific turn-around-time applies to voter registration drives turning in applications they collect. See below.**

PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES

<i>Does the state require organizations conducting voter registration drives to register or file other information detailing their voter registration activities?</i>	In some circumstances, including if 50+ forms are requested and depending on whether the drive compensates its workers. See question A below for details.
<i>Are there restrictions on getting voter registration forms?</i>	Yes. Drives must obtain state forms from local election officials, and the Secretary of State indicates they cannot be copied. See questions A and B below.
<i>Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?</i>	Yes. Forms with pre-filled blanks may not be used and there are additional rules for providing forms to applicants. See question C below.
<i>Does the state require any training in order to conduct voter registration drives?</i>	Suggested but not addressed by California law. ¹⁵
<i>Does the state have restrictions on who may help others register to vote?</i>	No.
<i>Does the state have restrictions on paying drive workers, or additional rules related to payment?</i>	Yes, including for assisting with online application submission. See question D below. Drives with paid canvassers are subject to different requirements in many circumstances. See questions A, D, F and G below.
<i>Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?</i>	Yes. See question E below.
<i>Must the registration drive worker sign her name to the completed voter registration application, and/or must the drive or canvasser place other information on applications?</i>	Yes. See question F below for details.
<i>Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?</i>	Yes. See question G below.

<i>Are voter registration groups prohibited from putting identifying marks on completed voter registration applications or subject to other rules regarding information added to registration applications?</i>	The law does not specifically address the use of identifying marks, but there are rules relating to information added to applications. See question H below.
<i>Are there restrictions on copying completed voter registration applications prior to submitting them to the election official, or other restrictions on data entry or disclosure?</i>	California law does not address copying completed applications. There are disclosure restrictions. See question I below.
<i>Is there a time limit for voter registration groups to submit the voter registration applications they collect?</i>	Yes, within three days of receipt or close of registration, whichever is sooner. See question J below.
<i>What are the consequences for failing to submit applications on time?</i>	Consequences may include criminal penalties. See question K below.
<i>If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant's consent?</i>	Yes, if in the applicant requests assistance, and specific requirements apply to persons who assist applicants with completing applications. See question L below.
<i>How will an applicant know whether the election official received the application?</i>	Both accepted and applicants and those whose applications do not contain all the required information will be sent a notification by mail. See question M below for further information.
<i>How may an applicant correct an incomplete application after it has been submitted to election officials?</i>	Applicants may be able to supply missing information by phone, or else by mail. See question N below.
<i>Who investigates and enforces the state rules?</i>	Secretary of State/Attorney General/district attorneys. See question O below for more detail.

State Voter Registration Drive Rules: Detailed Explanations

BEFORE THE DRIVE

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

Any organization requesting more than 50 voter registration cards must complete a brief statement of distribution plans in order to receive the blank applications. This statement must designate the name and

address of the person or persons proposing such a distribution plan. This statement must contain declarations executed under penalty of perjury that reasonable steps will be taken to ensure that:

- (1) cards will be given to any potential voter requesting one in order to register; and
- (2) voter registration cards issued will not be altered, defaced, or changed in any way, other than by the insertion of a mailing address and the affixing of postage, if mailed, or as otherwise specifically authorized by the Secretary of State, prior to distribution to prospective registrants, and that the affidavit portion of the voter registration cards will not be marked, stamped, or partially or fully completed by anyone other than an elector attempting to register to vote or by another person assisting such elector after being requested by such elector to assist in completing the affidavit.¹⁶

The Secretary of State further indicates that 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 contain an acknowledgement that organizers know and will follow the laws and rules relating to voter registration.¹⁷ The form is available at the following link: <http://elections.cdn.sos.ca.gov/vrdis.pdf>.

In addition, organizations or persons who agree to compensate people who assist others to register to vote by receiving completed applications or by assisting with the submission of a registration application electronically on the Secretary of State's website must maintain a list of the names, addresses, and telephone numbers of all individuals that the organization or person has agreed to compensate for assisting others to register to vote, and must provide a written statement to compensated individuals of their personal responsibilities and liabilities under the election code (see Section D, below), which must be acknowledged in writing by each compensated individual. This information must either be maintained by the organization for three years or given to the county election official. The county election official may charge a fee not to exceed actual costs for storing the records.¹⁸ A sample statement is available with the state's voter registration drive guide, Appendix B.

B. Are there restrictions on getting blank voter registration forms?

Yes. An individual or organization that distributes voter registration cards designed under state regulation must obtain the voter registration cards from the county elections official or the Secretary of State. The individual or organization must comply with all applicable regulations established by the Secretary of State when distributing the cards.¹⁹

The Secretary of State indicates that duplicated voter registration cards cannot be used, and that "only official state or county-issued " cards may be used."²⁰ Organizations requesting more than 50 voter registration cards must complete a brief statement of distribution plans, see question A above.

Further, state voter registration cards must be provided in sufficient quantities to any individuals or organizations who wish to distribute the cards other than to persons who have been convicted of violating section 2158 of the California Election Code within the last five years.²¹ Individuals and organizations must be permitted to distribute voter registration cards anywhere within the county.²²

During the drive, any person requesting a blank form to register must be given one, and failure to do so is punishable by a fine.²³

C. Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?

Yes, California's guide to registration drives indicates that cards with any pre-filled "blanks" may not be used²⁴, and the law provides that registration cards may not be altered, defaced, or changed in any way, other than by the insertion of a mailing address and the affixing of postage, if mailed, or as otherwise specifically authorized by the Secretary of State, before distribution of the cards.²⁵ In addition, anyone

who mails a voter registration card 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).²⁶

In addition, no registration application may contain, and no person other than the registrant may write on or affix thereto, or cause to be written on or affixed thereto, any statement urging or indicating support or opposition to any candidate or measure. Violation is punishable as a misdemeanor.²⁷

A distribution plan completed when more than 50 voter registration cards are requested (see above question A) must contain a declaration executed under penalty of perjury that reasonable steps will be taken to ensure that voter registration cards issued will not be altered, defaced, or changed in any way, other than by the insertion of a mailing address and the affixing of postage, if mailed, or as specifically authorized by the Secretary of State, prior to distribution to prospective registrants and that the affidavit portion of the voter registration cards will not be marked, stamped, or partially or fully completed by anyone other than an elector attempting to register to vote or by another person assisting such elector after being requested by such elector to assist in completing the affidavit.²⁸

D. Does the state have restrictions on paying drive workers, or additional rules related to payment?

Yes. Any person or organization that is paying people to help register applicants by receiving completed applications or by assisting with the submission of an online application on the Secretary of State's website, must:

- Maintain a list of names, addresses, and telephone numbers of all individuals that the person, company, or other organization has agreed to compensate for assisting others to register to vote;
- Provide each person being compensated with a written statement of their personal responsibilities and liabilities under the California Election 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;
- Only pay people who comply with section 2159 of the California Election Code, which requires the canvasser to 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; and
- At the time of submission of applications to elections officials, identify and separate those applications into groups that do and that do not comply with the requirements of Sections 2150 and 2159 of the California Election Code. These sections describe the information required to be provided by the applicant and the requirements that paid canvassers mark the application, respectively. A signed acknowledgment must be attached to each group of applications identifying a group as in compliance with sections 2150 and 2159, and a group as not in compliance with either sections 2150 or 2159, or both.

Failure to comply with these requirements is punishable by a fine of up to \$1000 or by six months in jail, or when the failure is willful, one year in jail, increasing with subsequent convictions.²⁹

The law also says that a 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, and knowingly misrepresents himself or herself as having helped register another to vote on a registration form, is guilty of a misdemeanor, which is punishable by a fine up to \$1,000, by imprisonment in the county jail up to six months, or both.³⁰

E. Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."³¹ California's Secretary of State interprets the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."³² California's interpretation also indicates, "Privately sponsored contests...are outlawed" and says that drives "may not offer food, prizes, discounts, or any other form of compensation to encourage voter registration."³³

At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."³⁴

DURING THE DRIVE

F. Are there special rules requiring the registration drive worker to sign her name to the completed voter registration application or other information the drive or canvasser must place on applications?

Yes. Any person who assists the applicant in completing the application must sign and date the application below the signature of the applicant.³⁵ 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, and failure to comply with this provision is a misdemeanor punishable by a fine up to \$1000 and/or by imprisonment in the county jail up to six months, or for a year if the failure is found to be willful.³⁶ Individuals who collect an application must provide certain information on the attached, numbered receipt, see question G below.³⁷ Failure to comply with these requirements does not cause the voter's registration to be invalid.³⁸

G. Does the drive have to provide a receipt or other tracking information to the applicant?

Yes. Each registration card has a unique serial number printed on it and a receipt stub at the bottom. If a person takes a completed registration card for submitting it to the elections official, the person who collected the application must sign and date the receipt and provide their full name, telephone number and address.³⁹ If the person is being paid to collect applications, the person must also provide the name and telephone number of the person or organization that is agreeing to pay money or other valuable consideration for the completed affidavit of registration. The receipt must be provided to the applicant.⁴⁰ If there is a problem with the applicant's registration, the receipt can be used as proof of completion and intent to register.⁴¹ Anyone who willfully violates the receipt requirement in Section 2158 of the election code is subject to a fine of up to \$200.⁴² Additional penalties apply for violations of the additional rules applicable to persons who are paid to assist applicants or those who pay them (see above question D).

H. Are voter registration groups prohibited from putting identifying marks on completed voter registration applications or subject to other rules regarding information added to registration applications?

California law does not address the use of identifying marks. However, the affidavit portion of the registration card must not be marked or stamped or partially or fully completed by any person other than the applicant or by a person assisting the applicant in completing the affidavit at the applicant's request.⁴³

In addition, no registration application may contain, and no person other than the registrant may write on or affix thereto, or cause to be written on or affixed thereto, any statement urging or indicating support or opposition to any candidate or measure. Violation is punishable as a misdemeanor.⁴⁴

I. Are there restrictions on copying completed voter registration applications prior to submitting them to the election official, or other restrictions on data entry or disclosure?

California law does not directly address copying restrictions. However, disclosure (which does not include to turn in the form) of a driver's license number, ID card number, social security number or signature will result in an infraction punishable with a fine of up to \$500.

In addition, an individual or organization that distributes forms under state statute, collects voter registration forms, or assists with the submission of an online registration on the Secretary of State's website, in addition to not using the registration form information for any personal private or commercial purpose, must employ reasonable security measures, including employing administrative and physical safeguards, and, for voter registration form information available in an electronic form, technical safeguards, to protect the voter registration information from unlawful disclosure and misuse. Violating this rule is an infraction punishable by a fine of up to \$500.⁴⁵

J. Is there a time limit for voter registration groups to submit the applications they collect?

Yes. Registration applications must generally be delivered to the county elections official or mailed within three days of receipt from the applicant, but must immediately return all completed applications on the day of close of registration for any election. Saturdays, Sundays and holidays are excluded. All unused cards must be returned upon completion of the distribution plan.⁴⁶ The Secretary of State's distribution plan form also indicates blank cards must be returned to the elections official immediately after the book closing deadline, and whenever instructed to do so by the elections official.⁴⁷

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

Any person who knowingly or negligently retains a completed registration card, without the voter's authorization, for more than three days, excluding Saturdays, Sundays, and state holidays, or after the close of registration, commits a misdemeanor punishable by a fine up to \$1000. Further, any person who knowingly or negligently interferes with the prompt transfer of a completed registration application to the elections official commits a misdemeanor punishable by a fine up to \$1000.⁴⁸

L. 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?

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.⁴⁹ This has been interpreted to mean that no one may fill in blanks on registration cards unless the applicant asks for that help, and if asked that person must fill out the card exactly as the applicant requests.⁵⁰ Specific requirements apply to persons who assist applicants with completing and/or submitting applications, see above questions F and G.

The distribution form for organizations to request blank applications indicates that organizations who collect applications must submit all forms completed in whole or in part by prospective registrants promptly. This includes forms "containing irregularities or minimal information, i.e. a name and address."⁵¹

In addition, any person or organization that is paying people to help register applicants by receiving completed applications or by assisting with the submission of an online application on the Secretary of State's website, must separate out incomplete and complete applications when turning them in to the election official, see question D above.

M. How will an applicant know whether the election official received the application?

Once a county elections official receives a properly executed application, the official must send a voter a nonforwardable notice by mail.⁵² Election officials must also attempt to reach applicants whose applications are incomplete by phone, see question N below. Applicants who cannot be reached and do not contain all the of the information required will be sent a rejection including the reason.⁵³

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

If the application is incomplete and the telephone number is legible, the county elections official must telephone the applicant and attempt to collect the missing information. If the official is not able to collect the information by telephone, she must notify the applicant by mail the reason for rejection and send a new voter registration card or any other document, as determined by the election official, by which the applicant can provide the missing information under penalty of perjury.⁵⁴

O. Who is responsible for investigating and enforcing the state rules?

The Secretary of State is the chief elections officer of the state and administers the provisions of the Elections Code. The Secretary of State must see that elections are efficiently conducted and that state election laws are enforced, and if elections laws are not being enforced, must call the violation to the attention of a county district attorney or the Attorney General.⁵⁵ The Secretary of State's Election Fraud Investigation Unit is responsible for investigating violations of the California Elections Code. Findings must be turned over to the state attorney general or local district attorney for prosecution.⁵⁶

Further, California law specifies that where three or more affidavits of registration that were submitted by a person who assisted another to register to vote, including by assisting with the submission of an online registration application on the Secretary of State's website, do not comply with certain voter registration penal provisions, the elections official may forward a copy of each of the non-complying affidavits of registration to the district attorney, who may make a determination whether probable cause exists to believe that a violation of law has occurred.⁵⁷

WEB PAGE FOR STATUTE

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=elec&codebody=&hits=20>

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¹ Cal. Const. art. II, §§ 2, 4; Secretary of State, *Guide to Voter Registration Drives* 7, available at <http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf> (last revised January 2016).

² Cal. Const. art. II, § 2; Cal. Elec. Code § 2000

³ Cal. Const. art. II, § 2

⁴ Cal. Const. art. II, § 2

⁵ Cal. Const. art. II, § 4; Secretary of State, *Guide to Voter Registration Drives* 7.

⁶ Cal. Elec. Code § 2102 (effective Jan. 1, 2016).

⁷ Cal. Const. art. II, § 4; California Secretary of State, *Voting Rights for Californians with Criminal Convictions or Detained in Jail or Prison*, <http://elections.cdn.sos.ca.gov/sharing-ideas/a-voting-guide-for-inmates.pdf> (last visited Jan. 22, 2016).

⁸ California Secretary of State, *Guide to Voter Registration Drives*, at 8.

⁹ California Secretary of State, *Guide to Voter Registration Drives*, at 8.

¹⁰ Cal. Elec. Code §§ 2150, 2151, 2154

¹¹ California Secretary of State, *Guide to Voter Registration Drives*, at 12.

¹² Cal. Elec. Code §§ 2150, 2151, 2152, 2154

¹³ Cal. Elec. Code § 2154

¹⁴ Cal. Elec. Code § 2102

¹⁵ See California Secretary of State, *Guide to Voter Registration Drives*, at 4.

¹⁶ Cal. Admin. Code tit. 2, § 20001(g)

¹⁷ California Secretary of State, *Guide to Voter Registration Drives*, at 1 (citing *id.*).

¹⁸ Cal. Elec. Code § 2159.5

¹⁹ Cal. Elec. Code § 2158(b)(1)

²⁰ California Secretary of State, *Guide to Voter Registration Drives*, at 11.

²¹ Cal. Elec. Code § 2158(b)

²² Cal. Elec. Code § 2158(b)

²³ California Secretary of State, *Guide to Voter Registration Drives*, at 9. (citing Cal. Elec. Code §§ 2158, 18107, Cal. Admin. Code tit. 2, § 20001(g))

²⁴ California Secretary of State, *Guide to Voter Registration Drives*, at 10. (citing Cal. Elec. Code §§ 2159, 2162.)

²⁵ Cal. Elec. Code § 2162

²⁶ California Secretary of State, *Guide to Voter Registration Drives*, at 20 (citing Cal. Elec. Code §§ 2158, 18107).

²⁷ Cal. Elec. Code § 18105

²⁸ Cal. Admin. Code tit. 2, § 20001(g)

²⁹ Cal. Elec. Code §§ 2159.5, 18108.5

³⁰ Cal. Elec. Code §§ 2159; 18108.1. This provision appears unclear in its meaning, and organizations should discuss related procedures with their local election officials. The *Guide to Voter Registration Drives* cites these provisions, saying “[a]nyone who misrepresents themselves as having registered another person to vote is guilty of a misdemeanor.” California Secretary of State, *Guide to Voter Registration Drives*, at 21. Project Vote cannot provide legal advice; instead, organizations seeking legal advice should consult counsel regarding the applicable laws and regulations.

³¹ 52 U.S.C. § 10307(c)

³² California Secretary of State, *Guide to Voter Registration Drives*, at 11.

³³ California Secretary of State, *Guide to Voter Registration Drives*, at 21.

³⁴ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).

³⁵ Cal. Elec. Code § 2150(d)

³⁶ Cal. Elec. Code §§ 2159(a), 18108

³⁷ Cal. Elec. Code § 2158(b)(2)

³⁸ Cal. Elec. Code §§ 2158(b)(2), 2159(a)

³⁹ Cal. Elec. Code § 2158(b)(2); California Secretary of State, *Guide to Voter Registration Drives*, at 17.

⁴⁰ Cal. Elec. Code § 2159(a)

⁴¹ California Secretary of State, *Guide to Voter Registration Drives*, at 17.

⁴² Cal. Elec. Code § 18107

⁴³ Cal. Elec. Code § 2162(c)

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- ⁴⁴ Cal. Elec. Code § 18105
⁴⁵ Cal. Elec. Code §§ 2138.5, 18111
⁴⁶ Cal. Elec. Code §§ 2138, 2139
⁴⁷ California Secretary of State, *Guide to Voter Registration Drives*, Appendix A.
⁴⁸ Cal. Elec. Code § 18103
⁴⁹ Cal. Elec. Code § 2162(c)
⁵⁰ California Secretary of State, *Guide to Voter Registration Drives*, at 10.
⁵¹ California Secretary of State, *Guide to Voter Registration Drives*, Appendix A.
⁵² Cal. Elec. Code § 2155
⁵³ Cal. Elec. Code § 2153
⁵⁴ Cal. Elec. Code § 2153
⁵⁵ Cal. Gov. Code § 12172.5
⁵⁶ California Secretary of State, *Guide to Voter Registration Drives*, at i.
⁵⁷ Cal. Elec. Code § 18108.5(c)