



**ALEX PADILLA**  
CALIFORNIA SECRETARY OF STATE

October 12, 2020

Jessica Patterson  
Chair, California Republican Party  
c/o Thomas W. Hiltachk  
Bell, McAndrews & Hiltachk, LLP  
455 Capitol Mall, Suite 600  
Sacramento CA, 95814

Fred Vanderhoof, Chairman  
Fresno County Republican Party  
770 E Shaw Ave, Suite 121  
Fresno, CA 93710

Fred M. Whitaker, Chairman  
Republican Party of Orange County  
1422 Edinger Ave, Suite 110  
Tustin, CA 92780

Dr. Richard Sherman, Chairman  
Los Angeles County Republican Party  
16133 Ventura Blvd, #560  
Encino, CA 91436

Re: CEASE & DESIST / General Election Unauthorized/Non-official Vote by Mail Drop Boxes

Dear Chairpersons Patterson, Vanderhoof, Whitaker, and Sherman,

This letter serves as a notice to the California Republican Party, the Fresno County Republican Party, the Los Angeles County Republican Party and the Republican Party of Orange County to cease and desist the coordination, use and/or false or misleading promotion of unauthorized and non-official vote by mail drop boxes.

The Secretary of State's Office has received several complaints regarding the use of unauthorized and non-official vote by mail drop boxes at locations throughout California from county elections officials

alarmed at their use and from voters who have expressed similar concerns or have been confused as to whether those drop boxes are officially authorized or not.

Examples of use or promotion of unauthorized vote by mail drop boxes

We have received complaints, including photographs and reports of unauthorized drop boxes:

- Drop boxes in Clovis, Fresno County identified as a "Secure Ballot Dropoff Location" (Attachment 1A, 1B)
- Fresno County Republican Party's website listing 12 unauthorized locations on its website (Attachment 2).
- Orange County drop box identified as an official ballot drop box location with citations to state election codes (Attachment 3).<sup>1</sup>
- Freedoms Way Baptist Church (Los Angeles County) Facebook post identifying unofficial ballot drop boxes as "approved and bought by the GOP." (Attachment 4A)
- Social media post regarding a local story about an unofficial ballot drop off location at a Canyon Country Church in Los Angeles County (Attachment 4B)

The drop box container equipment and messaging are similar across these counties.

State law prohibits the use of unofficial drop boxes

Both the Secretary of State's Office and the Attorney General's Office take seriously the security of voters' ballots. Only county elections officials have the authority to determine the number, locations, and hours of vote by mail drop boxes and county elections officials ensure that authorized drop boxes comply with strict requirements that help ensure the security of returned vote-by-mail ballots. State law also establishes rules for designated county ballot retrievers to return ballots deposited in official drop boxes. (Cal. Elec. Code sec 3017(a)(2); see generally, Cal. Code Regs. tit 2 §§ 20130 - 20138.)

Moreover, the use of unauthorized, non-official vote-by-mail ballot drop boxes does not comply with state law governing ballot collection activities, which also require that persons to whom a voter entrusts their ballot to return to county elections officials provide their name, signature and relationship to the voter. (Cal. Elec. Code 3011(a)(9)-(11).)

We have attached County Clerk/Registrar of Voters (CC/ROV) Memorandum #20240 (Attachment 6) that details how unauthorized and non-official vote-by-mail drop boxes violate state law. We have provided

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<sup>1</sup> This social media post is from individual dropping ballot off at unofficial ballot box in Orange County who identifies himself as a GOP field director. We are blurring his name and image but will provide an unredacted version to the California Republican Party or Orange County GOP, separately, upon request.

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an advisory letter to each of the other recognized political parties in California informing them that such activity is prohibited should they contemplate doing so.

Any unauthorized vote-by-mail ballot drop box not only violates state law but also does not provide any of the safety and security guarantees required by the California Elections Code and Secretary of State regulations.

In addition, we are aware that voters have already dropped off their ballots in these unauthorized vote-by-mail drop boxes. Please contact our office to arrange to provide county elections officials with the names, addresses and birth date information of those voters who have dropped off their ballot in these unauthorized drop boxes by close of business on Thursday, October 15, 2020. The County Registrars of Voters will contact these individuals to advise them of their options to verify the return status of their vote-by-mail ballot. Additionally, provide us with the number and location of each unofficial drop box deployed.

If you are in possession or control of any voted vote-by-mail ballots received through these unauthorized, non-official drop boxes, we demand that you immediately return and surrender those voted vote-by-mail ballots to the appropriate county elections official.

Both the Secretary of State's Office and the Attorney General's Office are prepared to take action to enforce state law, should it become necessary. We, however, hope that this will not be necessary. Please confirm in writing to me that such activities will immediately cease.

Should you have any questions, please contact the Secretary of State's Office at 213-897-6225 or the Attorney General's Office at (916) 210-7811.

Sincerely,



Steve Reyes  
Chief Counsel  
California Secretary of State

/s/ Jonathan Wolff

Jonathan Wolff  
Chief Assistant Attorney General  
California Department of Justice,  
Office of the Attorney General