



## California Rejected 226K Mail Ballots in 2022 Elections

### *10 Million Mail Ballots Unaccounted for in Nov. Midterms*

**January 2023** – Significant numbers of mail ballots were rejected during California’s first year into its mass-mail balloting. During the 2022 primary<sup>i</sup> and general elections **226,250 mail ballots were rejected** by election officials. These rejections represent potential disenfranchisement of voters because of the switch to mail balloting.

#### **California’s New Mass-Mail Law**

On September 27, 2021, Governor Gavin Newsom signed AB 37 to show other states committed to “undemocratic voter suppression laws” how California “is increasing voter access.”<sup>ii</sup> The law is straightforward: all *active* registered voters in the state will, from now on, be automatically mailed *ballots* for upcoming elections. Californians can still vote in person if they wish. State executives and lawmakers credited their faith in AB 37 after experimenting with the concept during the pandemic.

<b>Statewide VBM Rejections – 2022 General</b>	
Arrived Late	57,568
Signature Mismatch	47,963
No Signature	11,897
Voted Twice	813
No ID Provided	660
Ballot Missing from Envelope	647
Missing/Incorrect Address on Envelope	646
Multiple Ballots in Envelope	169
Call County/Other	69
<b>TOTAL</b>	<b>120,432</b>

#### **9 Ways to Get Your Mail Ballot Rejected in California**

California cites nine primary reasons for why mail ballots are rejected. Some reasons are logical, such as determining the registrant already cast a ballot (once in person and once by mail, which happened 813 times in November 2022). The most common reason, however, is endemic to mail voting – the ballot arrived late (48% of all rejects).<sup>iii</sup>

California’s nine categories for removing a ballot are (% of rejects in November 2022):

- ✓ Not received on time (47.8%)
- ✓ Signature mismatch (39.8%)
- ✓ No signature (9.8%)
- ✓ Already voted (0.6%)
- ✓ No ID provided (0.5%)
- ✓ Ballot missing (0.5%)
- ✓ Wrong address on envelope (0.5%)
- ✓ Multiple ballots in single envelope (0.1%)
- ✓ Other issues (0.06%)

## **Late Ballots: Who's to Blame?**

During the 2022 primary and general elections in California, the most common reason for rejection was late arrival. The United States Post Office sets a 94% success rate for timely delivery of political mail, so the failure to deliver ballots on time is not surprising.

State law requires mail ballots to be postmarked no later than Election Day and then arrive back for counting no later than seven days after Election Day.<sup>iv</sup> In the November contests, more than 57,000 ballots arrived after November 15, setting them up for rejection. The official datasets do not differentiate between ballots postmarked too late or delivered too late. The U.S. Postal Service also touts its 2022 performance by claiming that 99 percent of mail ballots were delivered nationally within 3 days to officials for counting once in their custody.<sup>v</sup>

## **10 Million California Mail Ballots Went Unaccounted for in November 2022**

Typically, when a polling place opens and closes, there is an accounting of all election materials. Significant issues arise when incidents occur such as ballots disappearing at poll closing time. With mass mail elections, problems accumulate.

<b>2022 General Election Figures</b>	
Ballots Mailed Out	22,184,707
Accepted Ballots	9,781,328
Rejected Ballots	120,432
Polling Place Ballots Used <sup>vi</sup>	1,391,422
Unaccounted Mail Ballots	10,891,525

After accounting for polling place votes<sup>vii</sup> and rejected ballots in November 2022, there were more than 10 million ballots left outstanding, meaning election officials do not know what happened to them. It is fair to assume that the bulk of these were ignored or ultimately thrown out by the intended recipients. But, under mass mail elections, we can only *assume* what happened. Mail voting practices have an insurmountable information gap. The public cannot know how many ballots were disregarded, delivered to wrong mailboxes, or even withheld from the proper recipient by someone at the same address.

## **PILF President J. Christian Adams**

*“Mail ballots disenfranchise. There are many reasons mail ballots fail ultimately to count. No one casting a ballot at home can correct an error before it’s too late. California’s vote-by-mail demonstration should serve as a warning to state legislators elsewhere.”*

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<sup>i</sup> CASOS; June 2, 2022 Primary Election Challenged/Rejected VBM by Reason Code (2022), <https://elections.cdn.sos.ca.gov/vbm-rejection-reason/june-primary-2022.pdf>

<sup>ii</sup> Gov. Gavin Newsom press release; Governor Newsom Signs Landmark Elections Legislation Making Vote-by-Mail Ballots Permanent for Every Registered Voter (September 27, 2021), <https://www.gov.ca.gov/2021/09/27/governor-newsom-signs-landmark-elections-legislation-making-vote-by-mail-ballots-permanent-for-every-registered-voter-strengthening-elections-integrity/>

<sup>iii</sup> CASOS; November 8, 2022 General Election Challenged/Rejected VBM by Reason Code (2022), <https://elections.cdn.sos.ca.gov/vbm-rejection-reason/nov-general-2022.pdf>

<sup>iv</sup> CASOS; Election Deadlines (2022), <https://www.sos.ca.gov/elections/voting-resources/voting-california/election-dates-and-resources>

<sup>v</sup> Associated Press; U.S. Postal Service touts performance in 2022 election (January 9, 2023), <https://apnews.com/article/2022-midterm-elections-united-states-government-georgia-237f3cc44f194d8228ddec7b90c12df>

<sup>vi</sup> The number of ballots counted from in-person voting centers <https://elections.cdn.sos.ca.gov/sov/2022-general/sov/complete.pdf>

<sup>vii</sup> California Statement of Vote (November 8, 2022), <https://elections.cdn.sos.ca.gov/sov/2022-general/sov/complete.pdf>