

AMENDED IN SENATE AUGUST 1, 2007  
AMENDED IN ASSEMBLY MAY 17, 2007  
AMENDED IN ASSEMBLY MAY 7, 2007  
AMENDED IN ASSEMBLY APRIL 25, 2007  
AMENDED IN ASSEMBLY APRIL 17, 2007  
AMENDED IN ASSEMBLY APRIL 10, 2007  
AMENDED IN ASSEMBLY FEBRUARY 9, 2007  
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 44**

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**Introduced by Assembly Member Mendoza  
(Coauthors: Assembly Members Beall, Jeffries, and Krekorian)**

December 4, 2006

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An act to amend Section 2150 of, and to add Section 3023.5 to, the Elections Code, relating to absentee voters.

LEGISLATIVE COUNSEL'S DIGEST

AB 44, as amended, Mendoza. Absentee voters: ballot materials.

(1) Existing law provides that candidates for statewide elective office or for the Assembly or Senate who accept voluntary expenditure limits, or candidates for nonpartisan, local elective office, may purchase space to place a candidate's statement that will be included in the state ballot pamphlet or the sample ballot of the local jurisdiction that is sent to all registered voters prior to any local or statewide primary or general election. Existing law also requires that each absentee ballot that is delivered pursuant to specified provisions be accompanied by a ballot

pamphlet, unless the voter has already been provided with a ballot pamphlet.

This bill would additionally require that an absentee ballot that is sent to absentee voters be accompanied by the candidates’ statements for the Assembly or Senate and local nonpartisan elective offices, unless the voter has already been provided with these candidates’ statements. By increasing the duties of local elections officials, the bill would impose a state-mandated local program.

(2) Existing law sets forth the requirements for the information to be provided on the affidavit of registration to vote. This information includes the affiant’s ethnicity or race, or both.

This bill would require that the affidavit of registration also contain a box to be checked off and initialed by an affiant who chooses to become a permanent absentee voter, and that the affidavit of registration shall be deemed complete whether or not the affiant indicates that he or she chooses to become a permanent absentee voter or declines to state his or her ethnicity or race.

~~The~~

(3) *The* bill would make other technical, conforming changes to these provisions.

(4) *This bill would incorporate additional changes in Section 2150 of the Elections Code, proposed by AB 1243, to be operative only if AB 1243 and this bill are both chaptered and become effective on or before January 1, 2008, and this bill is chaptered last.*

~~(3)~~

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2150 of the Elections Code is amended  
2 to read:

1 2150. (a) The affidavit of registration shall show all of the  
2 following:

3 (1) The facts necessary to establish the affiant as an elector.

4 (2) The affiant's name at length, including his or her given  
5 name, and a middle name or initial, or if the initial of the given  
6 name is customarily used, then the initial and middle name. The  
7 affiant's given name may be preceded, at affiant's option, by the  
8 designation of Miss, Ms., Mrs., or Mr. A person shall not be denied  
9 the right to register because of his or her failure to mark a prefix  
10 to the given name and shall be so advised on the voter registration  
11 card. This subdivision shall not be construed as requiring the  
12 printing of prefixes on an affidavit of registration.

13 (3) The affiant's place of residence, residence telephone number,  
14 if furnished, and e-mail address, if furnished. No person shall be  
15 denied the right to register because of his or her failure to furnish  
16 a telephone number or e-mail address, and shall be so advised on  
17 the voter registration card.

18 (4) The affiant's mailing address, if different from the place of  
19 residence.

20 (5) The affiant's date of birth to establish that he or she will be  
21 at least 18 years of age on or before the date of the next election.

22 (6) The state or country of the affiant's birth.

23 (7) (A) In the case of an applicant who has been issued a current  
24 and valid driver's license, the applicant's driver's license number.

25 (B) In the case of any other applicant, other than an applicant  
26 to whom subparagraph (C) applies, the last four digits of the  
27 applicant's social security number.

28 (C) If an applicant for voter registration has not been issued a  
29 current and valid driver's license or a social security number, the  
30 state shall assign the applicant a number which will serve to  
31 identify the applicant for voter registration purposes. To the extent  
32 that the state has a computerized list in effect under this subdivision  
33 and the list assigns unique identifying numbers to registrants, the  
34 number assigned under this subparagraph shall be the unique  
35 identifying number assigned under the list.

36 (8) The affiant's political party affiliation.

37 (9) That the affiant is currently not imprisoned or on parole for  
38 the conviction of a felony.

39 (10) A prior registration portion indicating whether the affiant  
40 has been registered at another address, under another name, or as

1 intending to affiliate with another party. If the affiant has been so  
2 registered, he or she shall give an additional statement giving that  
3 address, name, or party.

4 (11) A permanent absentee voter portion to be checked off and  
5 initialed by the affiant indicating whether the affiant chooses to  
6 become a permanent absentee voter.

7 (b) The affiant shall certify the content of the affidavit as to its  
8 truth and correctness, under penalty of perjury, with the signature  
9 of his or her name and the date of signing. If the affiant is unable  
10 to write he or she shall sign with a mark or cross.

11 (c) The affidavit of registration shall also contain a space that  
12 would enable the affiant to state his or her ethnicity or race, or  
13 both.

14 (d) An affidavit of registration shall be deemed complete  
15 whether or not the affiant indicates that he or she chooses to  
16 become a permanent absentee voter pursuant to paragraph (11) of  
17 subdivision (a) or declines to state his or her ethnicity or race  
18 pursuant to subdivision (c).

19 (e) If any person, including a deputy registrar, assists the affiant  
20 in completing the affidavit, that person shall sign and date the  
21 affidavit below the signature of the affiant.

22 (f) The Secretary of State may continue to supply existing  
23 affidavits of registration to ~~country~~ *county* elections officials prior  
24 to printing new or revised forms that reflect the changes made to  
25 this section by the act that added this subdivision.

26 *SEC. 1.5. Section 2150 of the Elections Code is amended to*  
27 *read:*

28 2150. (a) The affidavit of registration shall show *all of the*  
29 *following:*

30 (1) The facts necessary to establish the affiant as an elector.

31 (2) The affiant's name at length, including his or her given  
32 name, and a middle name or initial, or if the initial of the given  
33 name is customarily used, then the initial and middle name. The  
34 affiant's given name may be preceded, at affiant's option, by the  
35 designation of Miss, Ms., Mrs., or Mr. A person shall not be denied  
36 the right to register because of his or her failure to mark a prefix  
37 to the given name and shall be so advised on the voter registration  
38 card. This subdivision shall not be construed as requiring the  
39 printing of prefixes on an affidavit of registration.

1 (3) The affiant's place of residence, residence telephone number,  
2 if furnished, and e-mail address, if furnished. No person shall be  
3 denied the right to register because of his or her failure to furnish  
4 a telephone number or e-mail address, and shall be so advised on  
5 the voter registration card.

6 (4) The affiant's mailing address, if different from the place of  
7 residence.

8 (5) The affiant's date of birth to establish that he or she will be  
9 at least 18 years of age on or before the date of the next election.

10 (6) The state or country of the affiant's birth.

11 (7) (A) In the case of an applicant who has been issued a current  
12 and valid driver's license, the applicant's driver's license number.

13 (B) In the case of any other applicant, other than an applicant  
14 to whom subparagraph (C) applies, the last four digits of the  
15 applicant's social security number.

16 (C) If an applicant for voter registration has not been issued a  
17 current and valid driver's license or a social security number, the  
18 state shall assign the applicant a number ~~which~~ *that* will serve to  
19 identify the applicant for voter registration purposes. To the extent  
20 that the state has a computerized list in effect under this subdivision  
21 and the list assigns unique identifying numbers to registrants, the  
22 number assigned under this subparagraph shall be the unique  
23 identifying number assigned under the list.

24 (8) The affiant's political party affiliation.

25 (9) That the affiant is currently not imprisoned or on parole for  
26 the conviction of a felony.

27 (10) A prior registration portion indicating whether the affiant  
28 has been registered at another address, under another name, or as  
29 intending to affiliate with another party. If the affiant has been so  
30 registered, he or she shall give an additional statement giving that  
31 address, name, or party.

32 *(11) A permanent vote by mail voter portion to be checked off*  
33 *and initialed by the affiant indicating whether the affiant chooses*  
34 *to become a permanent vote by mail voter.*

35 (b) The affiant shall certify the content of the affidavit as to its  
36 truth and correctness, under penalty of perjury, with the signature  
37 of his or her name and the date of signing. If the affiant is unable  
38 to write he or she shall sign with a mark or cross.

39 (c) The affidavit of registration shall also contain a space that  
40 would enable the affiant to state his or her ethnicity or race, or

1 both. An affiant may not be denied the ability to register because  
 2 he or she declines to state his or her ethnicity or race.

3 *(d) An affidavit of registration shall be deemed complete whether*  
 4 *or not the affiant indicates that he or she chooses to become a*  
 5 *permanent vote by mail voter pursuant to paragraph (11) of*  
 6 *subdivision (a) or declines to state his of her ethnicity or race*  
 7 *pursuant to subdivision (c).*

8 ~~(d)~~

9 *(e) If any person, including a deputy registrar, assists the affiant*  
 10 *in completing the affidavit, that person shall sign and date the*  
 11 *affidavit below the signature of the affiant.*

12 *(f) The affidavit of registration shall also contain a space to*  
 13 *permit the affiant to apply for permanent vote by mail status.*

14 *(g) The Secretary of State may continue to supply existing*  
 15 *affidavits of registration to country elections officials prior to*  
 16 *printing new or revised forms that reflect the changes made to this*  
 17 *section by the act that added this subdivision.*

18 SEC. 2. Section 3023.5 is added to the Elections Code, to read:

19 3023.5. In addition to the information required by Section 3023,  
 20 each ballot that is delivered pursuant to this chapter shall be  
 21 accompanied by the candidates' statements submitted pursuant to  
 22 Section 13307 of this code and subdivision (c) of Section 85601  
 23 of the Government Code, unless the voter has already been  
 24 provided with these candidates' statements.

25 SEC. 3. *Section 1.5 of this bill incorporates amendments to*  
 26 *Section 2150 of the Elections Code proposed by both this bill and*  
 27 *AB 1243. It shall only become operative if (1) both bills are enacted*  
 28 *and become effective on or before January 1, 2008, (2) each bill*  
 29 *amends Section 2150 of the Elections Code, and (3) this bill is*  
 30 *enacted after AB 1243, in which case Section 1 of this bill shall*  
 31 *not become operative.*

32 ~~SEC. 3.~~

33 SEC. 4. If the Commission on State Mandates determines that  
 34 this act contains costs mandated by the state, reimbursement to  
 35 local agencies and school districts for those costs shall be made  
 36 pursuant to Part 7 (commencing with Section 17500) of Division  
 37 4 of Title 2 of the Government Code.

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