

**ASSEMBLY BILL**

**No. 131**

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**Introduced by Assembly Member Williams**

January 15, 2013

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An act to amend Section 2154 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 131, as introduced, Williams. Voter registration: affidavits: rebuttable presumptions.

Under existing law, when a county elections official receives an affidavit of registration that does not include portions of information for which space is provided, the county elections official is required to apply several rebuttable presumptions. Those presumptions include the presumption that if the affiant fails to identify his or her state of birth within the United States, then it is presumed that the affiant was born in a state or territory of the United States if the affiant lists his or her birthplace as the United States, U.S.A., or other recognizable term designating the United States.

This bill would provide that the affiant's failure to furnish his or her place of birth shall not preclude his or her affidavit of registration from being deemed complete.

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

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

- 1 SECTION 1. Section 2154 of the Elections Code is amended
- 2 to read:

1 2154. In the event that the county elections official receives  
2 an affidavit of registration, *executed under penalty of perjury*, that  
3 does not include portions of the information for which space is  
4 provided, the county elections official shall apply the following  
5 rebuttable presumptions:

6 (a) If no middle name or initial is shown, it shall be presumed  
7 that none exists.

8 (b) If no party preference is shown, it shall be presumed that  
9 the affiant has declined to disclose a party preference.

10 (c) If no execution date is shown, it shall be presumed that the  
11 affidavit was executed on or before the 15th day prior to the  
12 election, provided that (1) the affidavit is received by the county  
13 elections official on or before the 15th day prior to the election,  
14 or (2) the affidavit is postmarked on or before the 15th day prior  
15 to the election and received by mail by the county elections official.

16 (d) If the affiant fails to identify his or her state of birth within  
17 the United States, it shall be presumed that the affiant was born in  
18 a state or territory of the United States if the birthplace of the  
19 affiant is shown as “United States,” “U.S.A.,” or other recognizable  
20 term designating the United States. *The affiant’s failure to furnish*  
21 *his or her place of birth shall not preclude his or her affidavit of*  
22 *registration from being deemed complete.*