

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 843**

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**Introduced by Assembly Member Logue**

February 21, 2013

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An act to amend Section 2170 of, and to add ~~Section~~ *Sections 2102.5, 2170.5, and 14314* to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 843, as amended, Logue. ~~Voter registration: conditional voter registration.~~ *registration: identification requirements.*

Existing law establishes conditional voter registration, using an affidavit of registration, whereby a person is permitted to register to vote after the 15th day prior to an election or on election day, and cast a provisional ballot to be counted if the conditional voter registration is deemed effective. Existing law establishes the procedures and requirements for determining whether a conditional voter registration is deemed effective and requires the county elections official to offer conditional voter registration and provisional voting at its permanent offices and authorizes the official to offer this registration and voting at satellite offices on election day. *Under existing law, conditional voter registration becomes operative on January 1 of the year following the year in which the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002.*

This bill would additionally require that a registrant provide proof of residency in order for a conditional voter registration to be deemed effective. If a conditional voter registration is not deemed effective, the bill would require the elections official to process the affidavit of

registration pursuant to existing law, and provided that all other eligibility requirements are met, the bill would deem the registration effective in forthcoming elections. ~~By imposing additional duties on local officials, the bill would impose a state-mandated local program.~~

*Existing federal law, the Help America Vote Act of 2002, requires under certain circumstances that a voter who registers to vote by mail present or submit either a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter the first time the voter votes in a federal election. A person who does not present or submit the appropriate records is allowed to vote by provisional ballot, which is required to be counted if the elections official determines in accordance with state law that the individual is eligible to vote.*

*Existing state law entitles a voter claiming to be properly registered but whose qualification or entitlement to vote cannot be immediately established to vote a provisional ballot. Under existing law, it is determined whether a provisional ballot is counted by comparing the signature on each provisional ballot envelope with the signature on the voter's affidavit of registration.*

*This bill would allow a provisional ballot submitted by a person who was not allowed to cast a regular ballot because the person failed to submit or present identification records required by the federal law described above to be counted only if the person presents or submits the required identification records within 10 days after the election.*

*Existing state law provides that an affidavit of voter registration may be submitted to a county elections official by mail, may be submitted to the Department of Motor Vehicles or another voter registration agency, or may be delivered to a county elections official by other means.*

*This bill would provide that if an affidavit of voter registration is delivered to a county elections official by means other than by mail or by means other than submitting the affidavit to the Department of Motor Vehicles or another voter registration agency, the voter shall be deemed to have registered by mail for purposes of the federal law described above.*

*By imposing new duties on local elections officials, the bill would impose a state-mandated local program.*

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 2102.5 is added to the Elections Code,  
2 to read:

3 2102.5. If an affidavit of registration is delivered to a county  
4 elections official in the manner described in paragraph (3) of  
5 subdivision (a) of Section 2102 by a person other than the  
6 registrant, the registrant shall be deemed to have registered to  
7 vote by mail for purposes of Section 15483(b) of Title 42 of the  
8 United States Code.

9 SECTION 1.

10 SEC. 2. Section 2170 of the Elections Code is amended to read:

11 2170. (a) "Conditional voter registration" means a properly  
12 executed affidavit of registration, which is delivered by the  
13 registrant to a county elections official during the 14 days  
14 immediately preceding an election or on election day and which  
15 may be deemed effective pursuant to this article after the elections  
16 official processes the affidavit, determines the registrant's  
17 eligibility to register, and validates the registrant's information,  
18 as specified in subdivision (c).

19 (b) In addition to other methods of voter registration provided  
20 by this code, an elector who is otherwise qualified to register to  
21 vote under this code and Section 2 of Article II of the California  
22 Constitution may complete a conditional voter registration and  
23 cast a provisional ballot during the 14 days immediately preceding  
24 an election or on election day pursuant to this article.

25 (c) (1) A conditional voter registration shall be deemed effective  
26 if the county elections official is able to determine before or during  
27 the canvass period for the election that the registrant is eligible to  
28 register to vote and that the information provided by the registrant

1 on the registration affidavit matches information contained in a  
2 database maintained by the California Department of Motor  
3 Vehicles or the federal Social Security Administration.

4 (2) If the information provided by the registrant on the  
5 registration affidavit cannot be verified pursuant to paragraph (1)  
6 but the registrant is otherwise eligible to vote, the registrant shall  
7 be issued a unique identification number pursuant to Section 2150  
8 and the conditional voter registration shall be deemed effective.

9 (3) In order for a conditional voter registration to be deemed  
10 effective, the registrant shall additionally provide proof of residence  
11 pursuant to subdivision (a) of Section 2170.5.

12 (d) The county elections official shall offer conditional voter  
13 registration and provisional voting pursuant to this article, in  
14 accordance with the following procedures:

15 (1) The elections official shall provide conditional voter  
16 registration and provisional voting pursuant to this article at all  
17 permanent offices of the county elections official in the county.

18 (2) The elections official shall advise registrants that a  
19 conditional voter registration will be effective only if the registrant  
20 is determined to be eligible to register to vote for the election and  
21 the information provided by the registrant on the registration  
22 affidavit is verified pursuant to subdivision (c).

23 (3) The elections official shall conduct the receipt and handling  
24 of each conditional voter registration and offer and receive a  
25 corresponding provisional ballot in a manner that protects the  
26 secrecy of the ballot and allows the elections official to process  
27 the registration, to determine the registrant's eligibility to register,  
28 and to validate the registrant's information before counting or  
29 rejecting the corresponding provisional ballot.

30 (4) After receiving a conditional voter registration, the elections  
31 official shall process the registration, determine the registrant's  
32 eligibility to register, and attempt to validate the information.

33 (5) If a conditional registration is deemed effective, the elections  
34 official shall include the corresponding provisional ballot in the  
35 official canvass.

36 (e) The county elections official may offer conditional voter  
37 registration and provisional voting pursuant to this article on  
38 election day at satellite offices of the county elections office, in  
39 accordance with the procedures specified in paragraphs (2) to (5),  
40 inclusive, of subdivision (d).

1 ~~SEC. 2.~~

2 *SEC. 3.* Section 2170.5 is added to the Elections Code, to read:

3 2170.5. (a) A person who completes a conditional voter  
4 registration pursuant to this article shall provide proof of residence  
5 in order to register to vote during the 14 days immediately  
6 preceding an election or on election day. Proof of residence shall  
7 include any of the following:

8 (1) A valid California driver's license, driver's instruction  
9 permit, or identification card.

10 (2) A valid student identification card with an identifying  
11 photograph.

12 (3) A tribal identification card with an identifying photograph  
13 and signature.

14 (4) A signed oath provided by a voter registered in the same  
15 precinct as the registrant who can confirm the registrant's address.

16 (5) A signed oath provided by an employee of the residential  
17 facility where the registrant resides who can confirm the registrant's  
18 address.

19 (6) Photo identification, which may include a driver's license,  
20 state identification card, passport, military identification card, tribal  
21 identification card, or student identification card, and a current bill  
22 identifying the name and address of the registrant, which may  
23 include a utility bill due within 30 days of election day, a rent  
24 statement dated within 30 days of election day, or a current fee  
25 statement.

26 (b) If a conditional voter registration is not deemed effective  
27 pursuant to this article, the elections official shall process the  
28 affidavit of registration pursuant to Sections 2102 and 2107 and,  
29 provided that the registrant meets all other eligibility requirements  
30 to register to vote, the registration shall be deemed effective in  
31 forthcoming elections.

32 *SEC. 4.* Section 14314 is added to the Elections Code, directly  
33 following Section 14313, to read:

34 14314. Notwithstanding subdivision (c) of Section 14310, a  
35 provisional ballot submitted by a person who was not allowed to  
36 cast a regular ballot because the person failed to submit or present  
37 identification records required by Section 15483 of Title 42 of the  
38 United States Code shall be counted only if the person presents  
39 or submits the identification records required by Section 15483

1 *of Title 42 of the United States Code within 10 days after the*  
2 *election.*

3 ~~SEC. 3.~~

4 *SEC. 5.* If the Commission on State Mandates determines that  
5 this act contains costs mandated by the state, reimbursement to  
6 local agencies and school districts for those costs shall be made  
7 pursuant to Part 7 (commencing with Section 17500) of Division  
8 4 of Title 2 of the Government Code.

9 *SEC. 6. Sections 2 and 3 of this act shall become operative on*  
10 *January 1 of the year following the year in which the Secretary of*  
11 *State certifies that the state has a statewide voter registration*  
12 *database that complies with the requirements of the federal Help*  
13 *America Vote Act of 2002 (42 U.S.C. Sec. 15301 et seq.).*