

**ASSEMBLY BILL**

**No. 938**

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**Introduced by Assembly Member Weber**

February 22, 2013

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An act to amend Sections 2101, 2106, and 2212 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 938, as introduced, Weber. Voting: felons: parolees.

The California Constitution requires the Legislature to provide for the disqualification of electors while imprisoned or on parole for the conviction of a felony. Existing statutory law specifies the qualifications for registration as a voter and excludes from eligibility a person who is in prison or on parole for the conviction of a felony.

Existing law establishes a program of postrelease community supervision, under which certain persons who were convicted of a felony, upon release from prison, may be subject to community supervision provided by a designated county agency. Existing law also establishes mandatory supervision, under which a person convicted of a felony that is punishable by imprisonment in a county jail may serve a concluding portion of his or her sentenced term under the supervision of a county probation officer.

This bill would provide that a person is excluded from voter eligibility if he or she is in state prison or on state parole for the conviction of a felony. This bill would specify that state parole does not include a person on postrelease community supervision or mandatory supervision.

Under existing law, the county elections official is required to cancel the voter registration of a person who is presently imprisoned or on parole for conviction of a felony. The clerk of the superior court of each

county, on the basis of the records of the court, is required to furnish to the chief elections official of the county a statement showing the names, addresses, and dates of birth of all persons who have been convicted of a felony since the clerk’s last report. The elections official is then required to cancel the affidavits of registration of those persons who are currently imprisoned or on parole for the conviction of a felony.

This bill would specify that the court clerk’s statement must include only those convicted felons who have been sentenced to state prison and would also specify that the county elections official cancel the affidavit of registration of a person imprisoned or on state parole for a felony conviction whose name, address, and date of birth are the same as reported on the court clerk’s statement.

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 2101 of the Elections Code is amended  
 2 to read:

3 2101. (a) A person entitled to register to vote shall be a United  
 4 States citizen, a resident of California, not in *state* prison or on  
 5 *state* parole for the conviction of a felony, and at least 18 years of  
 6 age at the time of the next election.

7 (b) “*State parole*” does not include a person on *postrelease*  
 8 *community supervision pursuant to Section 3451 of the Penal Code*  
 9 *or on mandatory supervision pursuant to subparagraph (B) of*  
 10 *paragraph (5) of subdivision (h) of Section 1170 of the Penal Code.*

11 SEC. 2. Section 2106 of the Elections Code, as enacted by  
 12 Section 2 of Chapter 920 of the Statutes of 1994, is amended to  
 13 read:

14 2106. ~~Any~~ A program adopted by a county pursuant to Section  
 15 2103 or 2105, that is designed to encourage the registration of  
 16 electors, shall, with respect to any printed literature or media  
 17 announcements made in connection with these programs, contain  
 18 this statement: “A person entitled to register to vote must be a  
 19 United States citizen, a resident of California, not in *state* prison  
 20 or on *state* parole for the conviction of a felony, and at least 18  
 21 years of age at the time of the election.”

22 SEC. 3. Section 2212 of the Elections Code is amended to read:

1 2212. The clerk of the superior court of each county, on the  
2 basis of the records of the court, shall furnish to the chief elections  
3 official of the county, not less frequently than the first day of April  
4 and the first day of September of each year, a statement showing  
5 the ~~names, addresses,~~ *name, address,* and ~~dates~~ *date* of birth of ~~all~~  
6 ~~persons~~ *each person* who ~~have~~ *has* been convicted of ~~felonies~~ *a*  
7 *felony and sentenced to state prison* since the clerk's last report.  
8 The elections official shall, during the first week of April and the  
9 first week of September in each year, cancel the ~~affidavits~~ *affidavit*  
10 of registration of ~~those persons~~ *each person* who ~~are~~ *is* currently  
11 imprisoned or on *state* parole for the conviction of a felony *whose*  
12 *name, address, and date of birth is the same as reported on the*  
13 *court clerk's statement.* The clerk shall certify the statement under  
14 the seal of the court.

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