

AMENDED IN ASSEMBLY JANUARY 6, 2014

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1170**

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**Introduced by Assembly Member Donnelly**

February 22, 2013

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An act to amend ~~Sections 2224, 2226, and 2227~~ *Section 5100* of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1170, as amended, Donnelly. ~~Voters: registration cancellation. Primary elections: party qualification.~~

*Existing law specifies the circumstances under which a political party is qualified to participate in a primary election. Existing law provides that a party is qualified if at the last preceding gubernatorial election there was polled for any one of its candidates, for any office voted on throughout the state, at least 2% of the entire vote of the state.*

*This bill instead would limit the applicability of this 2% threshold to the last preceding gubernatorial primary election. The bill also would make technical, nonsubstantive changes.*

~~Existing law requires the county elections official to conduct a preelection residence confirmation procedure by mailing a specified nonforwardable postcard to each registered voter of the county by the 90th day immediately prior to the direct primary election. In lieu of mailing a residency confirmation postcard to each registered voter in the county, existing law authorizes the county elections official to contract with the United States Postal Service, a consumer credit reporting agency, or its licensees to obtain change-of-address data.~~

~~Based on the data received, existing law requires the county elections official to send an address verification notice to enable a voter to verify or correct address information.~~

~~Existing law authorizes a county elections official to cancel the voter registration of any voter whose name has been placed on the inactive file of registered voters for failure to respond to an address verification mailing based upon change-of-address data received from the United States Postal Service or its licensees and who does not offer to vote or vote at any election between the date of a specified address confirmation mailing and 2 federal general elections after the date of that mailing. With regard to an address verification notice based upon data received from a consumer credit reporting agency or its licensees, existing law prohibits the official from placing the voter's name on the inactive file of registered voters or canceling the voter registration if the voter does not respond to the verification notice and does not otherwise verify that he or she has moved to a new residence address.~~

~~This bill would instead require a county elections official to cancel the voter registration of a voter who fails to respond to an address verification mailing sent in response to change-of-address data received from the United States Postal Service, a consumer credit reporting agency, or its licensees and who does not offer to vote or vote at any election between the date of the mailing and two federal general elections after the date of that mailing. The bill would additionally modify the form of a specified residency confirmation postcard to include information regarding the circumstances in which a voter's registration will be canceled. By imposing new duties on county 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-no*.  
State-mandated local program: *yes-no*.~~

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

1     SECTION 1. Section 5100 of the Elections Code is amended  
2 to read:

3     5100. A party is qualified to participate in any primary election  
4 under any of the following conditions:

5     (a) ~~If at~~ At the last preceding gubernatorial *primary* election  
6 ~~there was polled for~~, any one of ~~its~~ *the* candidates of the party for  
7 any office voted on throughout the state; *polled* at least 2 percent  
8 of the entire vote of the state *for that office*.

9     (b) ~~If on~~ On or before the 135th day before any primary election,  
10 it appears to the Secretary of State, as a result of examining and  
11 totaling the statement of voters and their political ~~affiliations~~  
12 *preferences* transmitted to him or her by the county elections  
13 officials, that voters equal in number to at least 1 percent of the  
14 entire vote of the state at the last preceding gubernatorial election  
15 ~~have declared their intention to affiliate with~~ *disclosed a preference*  
16 *for that party*.

17     (c) ~~If on~~ On or before the 135th day before ~~any the~~ primary  
18 election, ~~there is filed with the Secretary of State~~ a petition signed  
19 by voters, equal in number to at least 10 percent of the entire vote  
20 of the state at the last preceding gubernatorial election, *is filed with*  
21 *the Secretary of State* declaring that they represent a proposed  
22 party, the name of which shall be stated in the petition, which  
23 proposed party those voters desire to have participate in that  
24 primary election. This petition shall be circulated, signed, verified  
25 and the signatures of the voters on it shall be certified to and  
26 transmitted to the Secretary of State by the county elections  
27 officials substantially as provided for initiative petitions. Each  
28 page of the petition shall bear a caption in 18-point boldface type,  
29 which caption shall be the name of the proposed party followed  
30 by the words "Petition to participate in the primary election."

31     SECTION 1. Section 2224 of the Elections Code is amended  
32 to read:

33     2224. ~~(a) If a voter has not voted in an election within the~~  
34 ~~preceding four years, and his or her residence address, name, or~~  
35 ~~party affiliation has not been updated during that time, the county~~  
36 ~~elections official may send an alternate residency confirmation~~  
37 ~~postcard. The use of this postcard may be sent subsequent to NCOA~~  
38 ~~or sample ballot returns, but shall not be used in the residency~~

1 confirmation process conducted under Section 2220. The postcard  
2 shall be forwardable, including a postage-paid and preaddressed  
3 return form to enable the voter to verify or correct the address  
4 information, and shall be in substantially the following form:

5 “If the person named on the postcard is not at this address,  
6 PLEASE help keep the voter rolls current and save taxpayer dollars  
7 by returning this postcard to your mail carrier.”

8 “IMPORTANT NOTICE”

9 “According to our records you have not voted in any election  
10 during the past four years, which may indicate that you no longer  
11 reside in \_\_\_\_\_ County. If you continue to reside in this county you  
12 must confirm your residency address in order to remain on the  
13 active voter list and receive election materials in the mail.”

14 “If confirmation has not been received within 15 days, you may  
15 be required to provide proof of your residence address in order to  
16 vote at future elections and, if you do not appear or offer to vote  
17 at any election in the period between the date of this notice and  
18 the second federal general election after the date of this notice,  
19 your voter registration will be canceled and you will have to  
20 reregister in order to vote. If you no longer live in \_\_\_\_\_ County,  
21 you must reregister at your new residence address in order to vote  
22 in the next election. California residents may obtain a mail  
23 registration form by calling the county elections office of the  
24 Secretary of State’s Office.”

25 (b) The use of a toll-free number to confirm the old residence  
26 address is optional. Any change to a voter’s address shall be  
27 received in writing.

28 (c) A county using the alternate residency confirmation  
29 procedure shall notify all voters of the procedure in the sample  
30 ballot pamphlet or in a separate mailing.

31 SEC. 2. Section 2226 of the Elections Code is amended to read:

32 2226. (a) Based on change-of-address information received  
33 pursuant to Sections 2220 to 2225, inclusive, or change-of-address  
34 information provided directly by the voter, the county elections  
35 official shall take the following actions as appropriate:

36 (1) If the information indicates the voter has moved to a new  
37 address within the same county, the county elections official shall  
38 update and correct the voter’s registration.

39 (2) If the information indicates the voter has moved to a new  
40 address in another county, if the mailings have been returned as

1 undeliverable, or if the voter fails to confirm his or her address as  
2 required by Section 2224, the county elections official shall place  
3 the voter's name on the inactive file of registered voters who do  
4 not receive election materials and are not included in calculations  
5 to determine the number of signatures required for qualification  
6 of candidates and measures, precinct size, or other election  
7 administration-related processes.

8 (3) If the voter verifies in writing that he or she has moved to  
9 a residence address in another county, the county elections official  
10 shall cancel the voter registration in the county from which the  
11 voter has moved.

12 (b) The voter registration of any voter whose name has been  
13 placed on the inactive file of registered voters for failure to respond  
14 to an address verification mailing required by Section 2225, and  
15 who does not offer to vote or vote at any election between the date  
16 of the mailing and two federal general elections after the date of  
17 that mailing, shall be canceled.

18 (c) Any voter whose name has been placed on the inactive file  
19 of registered voters and offers to vote at any election between the  
20 date of the verification notice, and two federal general elections  
21 after the date of notice, or who notifies the elections official of a  
22 continued residency, shall be removed from the inactive file and  
23 placed on the active voter file.

24 (d) All address corrections, cancellations, and inactive  
25 transactions made to the voter registration file pursuant to this  
26 section shall be reflected on the voter index as required by Section  
27 2191.

28 SEC. 3. Section 2227 of the Elections Code is amended to read:

29 2227. (a) In lieu of mailing a residency confirmation postcard,  
30 as prescribed in subdivision (a) of Section 2220, the county  
31 elections official may contract with a consumer credit reporting  
32 agency or its licensees to obtain use of change-of-address data in  
33 accordance with this section.

34 (b) If the county elections official contracts with a consumer  
35 credit reporting agency or its licensees pursuant to subdivision (a),  
36 all of the following shall occur:

37 (1) For each registered voter in the county, the county elections  
38 official shall initiate a search for change-of-address data with the  
39 consumer credit reporting agency or its licensees by providing the

1 name and residence address of each registered voter in the county  
2 to the consumer credit reporting agency or its licensees.

3 (2) The consumer credit reporting agency or its licensees shall  
4 search their databases for each name and address provided by the  
5 county elections official and shall report to the county elections  
6 official any information indicating that the registered voter changed  
7 his or her residence address.

8 (e) (1) Notwithstanding Section 2194 of this code or Section  
9 6254.4 of the Government Code, and except as provided in  
10 paragraph (2), a county elections official may disclose a registered  
11 voter's name and residence address to a consumer credit reporting  
12 agency or its licensees pursuant to, and in accordance with, this  
13 section.

14 (2) A county elections official shall not disclose to a consumer  
15 credit reporting agency or its licensees the name and residence  
16 address of a registered voter if that information is deemed  
17 confidential pursuant to Section 2166, 2166.5, or 2166.7 of this  
18 code, or Chapter 3.1 (commencing with Section 6205) of Division  
19 7 of Title 1 of the Government Code.

20 (d) A consumer credit reporting agency or its licensees shall  
21 use the information provided by a county elections official only  
22 pursuant to paragraph (2) of subdivision (b), and shall not retain  
23 any information received from the county elections official  
24 pursuant to this section.

25 (e) Based on change-of-address data received from a consumer  
26 credit reporting agency or its licensees, the county elections official  
27 shall send a forwardable notice, including a postage-paid and  
28 preaddressed return form, which may be in the form of a postcard,  
29 to the registered voter to enable the voter to verify or correct  
30 address information. The forwardable notice shall be in  
31 substantially the following form:

32  
33 “We have received notification that you have moved to a new  
34 residence address in \_\_\_\_\_ County. You will remain registered to  
35 vote at your old address unless you notify our office that the  
36 address to which this card was mailed is a change of your  
37 permanent residence. Please notify our office in writing by  
38 returning the attached postage-paid postcard. If this is not a  
39 permanent residence, and you do not wish to change your address  
40 for voting purposes, please disregard this notice.”

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~~(f) The county elections official shall take all of the following actions as appropriate:~~

~~(1) If a voter responds to the forwardable notice sent pursuant to subdivision (e) or otherwise verifies in a signed writing that he or she has moved to a new residence address within the same county, the county elections official shall verify the signature on the response by comparing it to the signature on file for the voter and, if appropriate, correct the voter's registration with the new residence address.~~

~~(2) If a voter responds to the forwardable notice sent pursuant to subdivision (e) or otherwise verifies in a signed writing that he or she has moved to a new residence address in another county, the county elections official shall verify the signature on the response by comparing it to the signature on file for the voter and, if appropriate, cancel the voter's registration in the county from which the voter has moved.~~

~~(3) If a voter does not respond to the forwardable notice sent pursuant to subdivision (e), does not otherwise verify in a signed writing that he or she has moved to a new residence address, and does not offer to vote or vote at any election between the date of the forwardable notice and two federal general elections after the date of the forwardable notice, the voter registration of the voter shall be canceled.~~

~~(g) For purposes of this section, "consumer credit reporting agency" has the same meaning as set forth in subdivision (d) of Section 1785.3 of the Civil Code.~~

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