

**Introduced by Senator Jackson
(Principal coauthor: Senator Calderon)
(Coauthor: Senator Price)**

January 15, 2013

An act to amend and repeal Sections 2102, 2106, 2150, and 2205 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 113, as introduced, Jackson. Elections: voter registration.

Existing law authorizes a person who is at least 17 years of age and otherwise meets all voter eligibility requirements to submit his or her affidavit of registration. The affidavit of registration is deemed effective as of the date the affiant will be 18 years of age. These provisions become operative when 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 lower the minimum age for purposes of submitting an affidavit of registration pursuant to these provisions to 15 years of age. The bill also would make conforming changes to existing law. The bill would provide, notwithstanding the contingency described above, that its provisions shall become operative on January 1, 2014.

By requiring local elections officials to process voter registrations submitted by persons 15 years of age or older, 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 of the Elections Code, as amended
2 by Section 2 of Chapter 899 of the Statutes of 2000, is repealed.

3 ~~2102. (a) A person may not be registered as a voter except by
4 affidavit of registration. The affidavit shall be mailed or delivered
5 to the county elections official and shall set forth all of the facts
6 required to be shown by this chapter. A properly executed
7 registration shall be deemed effective upon receipt of the affidavit
8 by the county elections official if received on or before the 15th
9 day prior to an election to be held in the registrant's precinct. A
10 properly executed registration shall also be deemed effective upon
11 receipt of the affidavit by the county elections official if any of
12 the following apply:~~

13 ~~(1) The affidavit is postmarked on or before the 15th day prior
14 to the election and received by mail by the county elections official.~~

15 ~~(2) The affidavit is submitted to the Department of Motor
16 Vehicles or accepted by any other public agency designated as a
17 voter registration agency pursuant to the National Voter
18 Registration Act of 1993 (42 U.S.C. Sec. 1973gg) on or before the
19 15th day prior to the election.~~

20 ~~(3) The affidavit is delivered to the county elections official by
21 means other than those described in paragraphs (1) or (2) on or
22 before the 15th day prior to the election.~~

23 ~~(b) For purposes of verifying signatures on a recall, initiative,
24 or referendum petition or signatures on a nomination paper or any
25 other election petition or election paper, a properly executed
26 affidavit of registration shall be deemed effective for verification
27 purposes if both (a) the affidavit is signed on the same date or a
28 date prior to the signing of the petition or paper, and (b) the
29 affidavit is received by the county elections official on or before
30 the date on which the petition or paper is filed.~~

31 ~~(c) Notwithstanding any other provision of law to the contrary,
32 the affidavit of registration required under this chapter may not be
33 taken under sworn oath, but the content of the affidavit shall be~~

1 ~~certified as to its truthfulness and correctness, under penalty of~~
2 ~~perjury, by the signature of the affiant.~~

3 SEC. 2. Section 2102 of the Elections Code, as amended by
4 Section 2 of Chapter 364 of the Statutes of 2009, is amended to
5 read:

6 2102. (a) A person may not be registered as a voter except by
7 affidavit of registration. The affidavit shall be mailed or delivered
8 to the county elections official and shall set forth all of the facts
9 required to be shown by this chapter. A properly executed
10 registration shall be deemed effective upon receipt of the affidavit
11 by the county elections official if received on or before the 15th
12 day prior to an election to be held in the registrant's precinct. A
13 properly executed registration shall also be deemed effective upon
14 receipt of the affidavit by the county elections official if any of
15 the following apply:

16 (1) The affidavit is postmarked on or before the 15th day prior
17 to the election and received by mail by the county elections official.

18 (2) The affidavit is submitted to the Department of Motor
19 Vehicles or accepted by any other public agency designated as a
20 voter registration agency pursuant to the *federal* National Voter
21 Registration Act of 1993 (42 U.S.C. Sec. 1973gg) on or before the
22 15th day prior to the election.

23 (3) The affidavit is delivered to the county elections official by
24 means other than those described in paragraphs (1) or (2) on or
25 before the 15th day prior to the election.

26 (b) For purposes of verifying signatures on a recall, initiative,
27 or referendum petition or signatures on a nomination paper or any
28 other election petition or election paper, a properly executed
29 affidavit of registration shall be deemed effective for verification
30 purposes if both of the following conditions are satisfied:

31 (1) The affidavit is signed on the same date or a date prior to
32 the signing of the petition or paper.

33 (2) The affidavit is received by the county elections official on
34 or before the date on which the petition or paper is filed.

35 (c) Notwithstanding any other provision of law to the contrary,
36 the affidavit of registration required under this chapter may not be
37 taken under sworn oath, but the content of the affidavit shall be
38 certified as to its truthfulness and correctness, under penalty of
39 perjury, by the signature of the affiant.

1 (d) A person who is at least ~~17~~ 15 years of age and otherwise
2 meets all eligibility requirements to vote may submit his or her
3 affidavit of registration as prescribed by this section. A properly
4 executed registration made pursuant to this subdivision shall be
5 deemed effective as of the date the affiant will be 18 years of age,
6 if the information in the affidavit of registration is still current at
7 that time. If the information provided by the affiant in the affidavit
8 of registration is not current at the time that the registration would
9 otherwise become effective, for his or her registration to become
10 effective, the affiant shall provide the current information to the
11 proper county elections official as prescribed by this chapter.

12 SEC. 3. Section 2106 of the Elections Code, as enacted by
13 Section 2 of Chapter 920 of the Statutes of 1994, is repealed.

14 ~~2106. Any 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 prison or on~~
20 ~~parole for the conviction of a felony, and at least 18 years of age~~
21 ~~at the time of the election."~~

22 SEC. 4. Section 2106 of the Elections Code, as amended by
23 Section 3 of Chapter 364 of the Statutes of 2009, is amended to
24 read:

25 2106. A program adopted by a county pursuant to Section 2103
26 or 2105, that is designed to encourage the registration of electors,
27 shall, with respect to a printed literature or media announcement
28 made in connection with these programs, contain this statement:
29 "A person entitled to register to vote must be a United States
30 citizen, a resident of California, not in prison or on parole for the
31 conviction of a felony, and at least 18 years of age at the time of
32 the election. A person may preregister to vote if he or she is a
33 United States citizen, a resident of California, not in prison or on
34 parole for the conviction of a felony, and at least ~~17~~ 15 years of
35 age." A county elections official may continue to use existing
36 materials prior to printing new or revised materials required by
37 any changes to this section.

38 SEC. 5. Section 2150 of the Elections Code, as amended by
39 Section 8 of Chapter 1 of the Statutes of 2009, is repealed.

40 ~~2150. (a) The affidavit of registration shall show:~~

- 1 ~~(1) The facts necessary to establish the affiant as an elector.~~
- 2 ~~(2) The affiant's name at length, including his or her given~~
3 ~~name, and a middle name or initial, or if the initial of the given~~
4 ~~name is customarily used, then the initial and middle name. The~~
5 ~~affiant's given name may be preceded, at affiant's option, by the~~
6 ~~designation of Miss, Ms., Mrs., or Mr. A person shall not be denied~~
7 ~~the right to register because of his or her failure to mark a prefix~~
8 ~~to the given name and shall be so advised on the voter registration~~
9 ~~card. This subdivision shall not be construed as requiring the~~
10 ~~printing of prefixes on an affidavit of registration.~~
- 11 ~~(3) The affiant's place of residence, residence telephone number,~~
12 ~~if furnished, and e-mail address, if furnished. No person shall be~~
13 ~~denied the right to register because of his or her failure to furnish~~
14 ~~a telephone number or e-mail address, and shall be so advised on~~
15 ~~the voter registration card.~~
- 16 ~~(4) The affiant's mailing address, if different from the place of~~
17 ~~residence.~~
- 18 ~~(5) The affiant's date of birth to establish that he or she will be~~
19 ~~at least 18 years of age on or before the date of the next election.~~
- 20 ~~(6) The state or country of the affiant's birth.~~
- 21 ~~(7) (A) In the case of an applicant who has been issued a current~~
22 ~~and valid driver's license, the applicant's driver's license number.~~
23 ~~(B) In the case of any other applicant, other than an applicant~~
24 ~~to whom subparagraph (C) applies, the last four digits of the~~
25 ~~applicant's social security number.~~
- 26 ~~(C) If an applicant for voter registration has not been issued a~~
27 ~~current and valid driver's license or a social security number, the~~
28 ~~state shall assign the applicant a number that will serve to identify~~
29 ~~the applicant for voter registration purposes. To the extent that the~~
30 ~~state has a computerized list in effect under this subdivision and~~
31 ~~the list assigns unique identifying numbers to registrants, the~~
32 ~~number assigned under this subparagraph shall be the unique~~
33 ~~identifying number assigned under the list.~~
- 34 ~~(8) The affiant's political party preference.~~
- 35 ~~(9) That the affiant is currently not imprisoned or on parole for~~
36 ~~the conviction of a felony.~~
- 37 ~~(10) A prior registration portion indicating whether the affiant~~
38 ~~has been registered at another address, under another name, or as~~
39 ~~preferring another party. If the affiant has been so registered, he~~

1 or she shall give an additional statement giving that address, name,
2 or party.

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

7 ~~(c) The affidavit of registration shall also contain a space that~~
8 ~~would enable the affiant to state his or her ethnicity or race, or~~
9 ~~both. An affiant may not be denied the ability to register because~~
10 ~~he or she declines to state his or her ethnicity or race.~~

11 ~~(d) If any person, including a deputy registrar, assists the affiant~~
12 ~~in completing the affidavit, that person shall sign and date the~~
13 ~~affidavit below the signature of the affiant.~~

14 ~~(e) The affidavit of registration shall also contain a space to~~
15 ~~permit the affiant to apply for permanent vote by mail status.~~

16 ~~(f) The Secretary of State may continue to supply existing~~
17 ~~affidavits of registration to county elections officials prior to~~
18 ~~printing new or revised forms that reflect the changes made to this~~
19 ~~section by the act that added this subdivision.~~

20 SEC. 6. Section 2150 of the Elections Code, as amended by
21 Chapter 364 of the Statutes of 2009, is amended to read:

22 2150. (a) The affidavit of registration shall show:

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

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

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

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

1 (5) The affiant's date of birth to establish that he or she will be
2 at least 18 years of age on or before the date of the next election.
3 In the case of an affidavit of registration submitted pursuant to
4 subdivision (d) of Section 2102, the affiant's date of birth to
5 establish that he or she is at least ~~17~~ 15 years of age.

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

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

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

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

20 (8) The affiant's political party preference.

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

23 (10) A prior registration portion indicating whether the affiant
24 has been registered at another address, under another name, or as
25 preferring another party. If the affiant has been so registered, he
26 or she shall give an additional statement giving that address, name,
27 or party.

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

32 (c) The affidavit of registration shall also contain a space that
33 would enable the affiant to state his or her ethnicity or race, or
34 both. An affiant may not be denied the ability to register because
35 he or she declines to state his or her ethnicity or race.

36 (d) If a person, including a deputy registrar, assists the affiant
37 in completing the affidavit, that person shall sign and date the
38 affidavit below the signature of the affiant.

39 (e) The affidavit of registration shall also contain a space to
40 permit the affiant to apply for permanent vote by mail status.

1 (f) The Secretary of State may continue to supply existing
2 affidavits of registration to county elections officials prior to
3 printing new or revised forms that reflect the changes made to this
4 section by the act that added this subdivision.

5 SEC. 7. Section 2205 of the Elections Code, as enacted by
6 Section 2 of Chapter 920 of the Statutes of 1994, is repealed.

7 ~~2205. The local registrar of births and deaths shall notify the~~
8 ~~county elections official not later than the 15th day of each month~~
9 ~~of all deceased persons 18 years of age and over, whose deaths~~
10 ~~were registered with him or her or of whose deaths he or she was~~
11 ~~notified by the state registrar of vital statistics during the preceding~~
12 ~~month. This notification shall include at least the name, sex, age,~~
13 ~~birthplace, birthdate, place of residence, date and place of death~~
14 ~~of each decedent.~~

15 ~~The county elections official shall cancel the affidavit of~~
16 ~~registration of each deceased voter.~~

17 SEC. 8. Section 2205 of the Elections Code, as amended by
18 Section 5 of Chapter 364 of the Statutes of 2009, is amended to
19 read:

20 2205. The local registrar of births and deaths shall notify the
21 county elections official not later than the 15th day of each month
22 of all deceased persons ~~17~~ 15 years of age and over, whose deaths
23 were registered with him or her or of whose deaths he or she was
24 notified by the State Registrar of Vital Statistics during the
25 preceding month. This notification shall include at least the name,
26 sex, age, birthplace, birth date, place of residence, and date and
27 place of death of each decedent.

28 The county elections official shall cancel the affidavit of
29 registration of the deceased voter.

30 SEC. 9. Notwithstanding Section 7 of Chapter 364 of the
31 Statutes of 2009, Sections 2, 4, 6, and 8 of this act shall become
32 operative on January 1, 2014.

33 SEC. 10. If the Commission on State Mandates determines
34 that this act contains costs mandated by the state, reimbursement
35 to 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.