

AMENDED IN SENATE JANUARY 6, 2014

SENATE BILL

No. 113

Introduced by Senator Jackson
(Principal coauthor: Senator Calderon)
(Coauthor: Senator Price)
(Coauthors: Senators Leno and Padilla)

January 15, 2013

An act to amend ~~and repeal~~ Sections 2102, 2106, 2150, ~~2155~~, and 2205 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 113, as amended, 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~~ 16 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.~~

Existing law requires that, upon receipt of a properly executed affidavit of registration or address correction notice or letter, the county

elections official send the voter a voter notification containing specified information.

This bill would require that, if an affidavit of registration is submitted by a person who is at least 16 years of age and otherwise meets all voter eligibility requirements, the county elections official send the voter notification to that voter not more than 60 days prior to the effective date of that affidavit of registration. The bill would also make conforming changes to the voter notification format.

By imposing new requirements on local elections officials in processing voter registrations and sending voter notifications, the bill would create 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 ~~SEC. 2.~~
 4 SECTION 1. Section 2102 of the Elections Code, as amended
 5 by Section 2 of Chapter 364 of the Statutes of 2009, is amended
 6 to read:
 7 2102. (a) A person ~~may~~ shall not be registered as a voter except
 8 by affidavit of registration. The affidavit shall be mailed or
 9 delivered to the county elections official and shall set forth all of
 10 the facts required to be shown by this chapter. A properly executed
 11 registration shall be deemed effective upon receipt of the affidavit
 12 by the county elections official if received on or before the 15th
 13 day prior to an election to be held in the registrant’s precinct. A
 14 properly executed registration shall also be deemed effective upon
 15 receipt of the affidavit by the county elections official if any of
 16 the following apply:

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

3 (2) The affidavit is submitted to the Department of Motor
4 Vehicles or accepted by any other public agency designated as a
5 voter registration agency pursuant to the federal National Voter
6 Registration Act of 1993 (42 U.S.C. Sec. 1973gg) on or before the
7 15th day prior to the election.

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

11 (b) For purposes of verifying signatures on a recall, initiative,
12 or referendum petition or signatures on a nomination paper or any
13 other election petition or election paper, a properly executed
14 affidavit of registration shall be deemed effective for verification
15 purposes if both of the following conditions are satisfied:

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

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

20 (c) Notwithstanding any other ~~provision~~ of law to the contrary,
21 the affidavit of registration required under this chapter may not be
22 taken under sworn oath, but the content of the affidavit shall be
23 certified as to its truthfulness and correctness, under penalty of
24 perjury, by the signature of the affiant.

25 (d) A person who is at least ~~15~~ 16 years of age and otherwise
26 meets all eligibility requirements to vote may submit his or her
27 affidavit of registration as prescribed by this section. A properly
28 executed registration made pursuant to this subdivision shall be
29 deemed effective as of the date the affiant will be 18 years of age,
30 if the information in the affidavit of registration is still current at
31 that time. If the information provided by the affiant in the affidavit
32 of registration is not current at the time that the registration would
33 otherwise become effective, for his or her registration to become
34 effective, the affiant shall provide the current information to the
35 proper county elections official as prescribed by this chapter.

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

1 ~~SEC. 4.~~

2 *SEC. 2.* Section 2106 of the Elections Code, as amended by
3 Section 3 of Chapter 364 of the Statutes of 2009, is amended to
4 read:

5 2106. A program adopted by a county pursuant to Section 2103
6 or 2105, that is designed to encourage the registration of electors,
7 shall, with respect to a printed literature or media announcement
8 made in connection with these programs, contain this statement:
9 “A person entitled to register to vote must be a United States
10 citizen, a resident of California, not in prison or on parole for the
11 conviction of a felony, and at least 18 years of age at the time of
12 the election. A person may preregister to vote if he or she is a
13 United States citizen, a resident of California, not in prison or on
14 parole for the conviction of a felony, and at least ~~15~~ 16 years of
15 age.” A county elections official may continue to use existing
16 materials ~~prior to~~ *before* printing new or revised materials required
17 by any changes to this section.

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

20 ~~SEC. 6.~~

21 *SEC. 3.* Section 2150 of the Elections Code, as amended by
22 Chapter 364 of the Statutes of 2009, is amended to read:

23 2150. (a) The affidavit of registration shall show:

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

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

34 (3) The affiant’s place of residence, residence telephone number,
35 if furnished, and e-mail address, if furnished. ~~No~~ A person shall
36 *not* be denied the right to register because of his or her failure to
37 furnish a telephone number or e-mail address, and shall be so
38 advised on the voter registration card.

39 (4) The affiant’s mailing address, if different from the place of
40 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 ~~15~~ 16 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~~ shall not be denied the ability to register
35 because 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 *SEC. 4. Section 2155 of the Elections Code is amended to read:*

8 2155. (a) (1) Upon receipt of a properly executed affidavit of
 9 registration or address correction notice or letter pursuant to Section
 10 2119, Article 2 (commencing with Section 2220), or the National
 11 Voter Registration Act of 1993 (42 U.S.C. Sec. 1973gg), the *county*
 12 *elections official shall send the voter a voter notification.*

13 (2) *For a properly executed affidavit of registration made*
 14 *pursuant to subdivision (d) of Section 2102, as amended by the*
 15 *act adding this paragraph, the county elections official shall send*
 16 *the voter notification not more than 60 days prior to the effective*
 17 *date of that affidavit of registration.*

18 (b) *The county elections official shall send the voter a voter*
 19 *notification by nonforwardable, first-class mail, address correction*
 20 *requested. The voter notification shall state the party preference*
 21 *for which the voter has registered in the following format:*

22 Party: (Name of political party)

23 The voter notification shall be substantially in the following
 24 form:

25
 26 VOTER NOTIFICATION

27
 28 You are registered to vote. The party preference you chose, if
 29 any, is on this card. This card is being sent as a notification of:

30 1. Your recently completed affidavit of registration.

31
 32 OR,

33
 34 2. A change to your registration because of an official notice
 35 that you have moved. If your residence address has not changed
 36 or if your move is temporary, please call or write to our office
 37 immediately.

1 OR,

2

3 3. Your recent registration with a change in party preference.
4 If this change is not correct, please call or write to our office
5 immediately.

6

7

8 OR,

9

10 4. A change to your registration from pending to active, because
11 you will be 18 and eligible to vote.

12

13

14

15 You may vote in any election held 15 or more days after the date
16 on this card.

17 Your name will appear on the index kept at the polls.

18 ~~Please contact our office if~~ If the information shown on the
19 reverse side of this card is incorrect, *please complete a new*
20 *affidavit of registration at the online voter registration page of the*
21 *Internet Web site of the Secretary of State or contact our office.*

22

23

24

(Signature of Voter)

25

26 ~~SEC. 8:~~

27 *SEC. 5.* Section 2205 of the Elections Code, as amended by
28 Section 5 of Chapter 364 of the Statutes of 2009, is amended to
29 read:

30 2205. The local registrar of births and deaths shall notify the
31 county elections official not later than the 15th day of each month
32 of all deceased persons ~~15~~ 16 years of age and over, whose deaths
33 were registered with him or her or of whose deaths he or she was
34 notified by the State Registrar of Vital Statistics during the
35 preceding month. This notification shall include at least the name,
36 sex, age, birthplace, birth date, place of residence, and date and
37 place of death of each decedent.

38 The county elections official shall cancel the affidavit of
39 registration of the deceased voter.

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

4 ~~SEC. 10.~~

5 *SEC. 6.* If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.