

AMENDED IN ASSEMBLY MARCH 9, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 31

Introduced by Assembly Member Cristina Garcia

December 1, 2014

An act to amend ~~Section~~ *Sections 2026 and 18560* of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 31, as amended, Cristina Garcia. Members of the Legislature and Congress: domicile: *voting fraud*.

Existing law provides that a person's residence for voting purposes means a person's domicile, and that a person may only have one domicile. Existing law defines domicile to be the place in which a person's habitation is fixed and where the person intends to remain or return to whenever absent. Existing law also provides that, for purposes of determining the domicile of a Member of the Legislature or a Representative in the Congress of the United States, it shall be conclusively presumed that the residence address indicated on that person's currently filed affidavit of voter registration is that person's domicile.

This bill would clarify that the conclusive presumption ~~shall only apply~~ *applies only* if the address indicated on that person's currently filed affidavit of voter registration is a place in which the person's habitation is fixed for some period of time.

Existing law permits a person who qualifies and is registered to vote to vote at any election held within the territory within which he or she resides and the election is held. Existing law makes it a crime for a

person who is not entitled to vote at an election to fraudulently vote or fraudulently attempt to vote at that election.

This bill would require the Attorney General to investigate and prosecute any violation of that penal provision relating to a fraudulent vote or fraudulent attempt to vote in a jurisdiction in which the person does not reside for voting purposes.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

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

1 SECTION 1. Section 2026 of the Elections Code is amended
2 to read:

3 2026. The domicile of a Member of the Legislature or a
4 Representative in the Congress of the United States shall be
5 conclusively presumed to be at the residence address indicated on
6 that person’s currently filed affidavit of voter registration. This
7 conclusive presumption ~~shall apply~~ *applies* only if the address
8 indicated on that person’s currently filed affidavit of voter
9 registration is a place in which the person’s habitation is fixed for
10 some period of time within the meaning of subdivision (c) of
11 Section 349.

12 SEC. 2. Section 18560 of the Elections Code is amended to
13 read:

14 18560. (a) Every person is guilty of a crime punishable by
15 imprisonment pursuant to subdivision (h) of Section 1170 of the
16 Penal Code for 16 months or two or three years, or in a county jail
17 not exceeding one year, who:

18 ~~(a)~~

19 (1) Not being entitled to vote at an election, fraudulently votes
20 or fraudulently attempts to vote at that election.

21 ~~(b)~~

22 (2) Being entitled to vote at an election, votes more than once,
23 attempts to vote more than once, or knowingly hands in two or
24 more ballots folded together at that election.

25 ~~(c)~~

26 (3) Impersonates or attempts to impersonate a voter at an
27 election.

28 (b) *The Attorney General shall investigate and prosecute a*
29 *violation of paragraph (1) of subdivision (a) relating to a*

- 1 *fraudulent vote or fraudulent attempt to vote in a jurisdiction in*
- 2 *which the person does not reside for voting purposes.*

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