

ASSEMBLY BILL

No. 391

Introduced by Assembly Member Gallagher

February 18, 2015

An act to amend Section 2170 of, and to add Section 2170.5 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 391, as introduced, Gallagher. Voter registration: conditional voter registration.

Existing law establishes conditional voter registration, using an affidavit of registration, whereby a person is permitted to register to vote after the 15th day before an election or on election day, and cast a provisional ballot to be counted if the conditional voter registration is deemed effective. Existing law establishes the procedures and requirements for determining whether a conditional voter registration is deemed effective, requires the county elections official to offer conditional voter registration and provisional voting at its permanent offices, and authorizes the official to offer this registration and voting at satellite offices on election day.

This bill would require that a registrant provide proof of residence, as specified, in order for a conditional voter registration to be deemed effective. If a conditional voter registration is not deemed effective, the bill would require the elections official to process the affidavit of registration, as specified, and if all other eligibility requirements are met, would require the registration to be effective in forthcoming elections. By imposing additional duties on county election 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. State-mandated local program: yes.

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

1 SECTION 1. Section 2170 of the Elections Code is amended
2 to read:

3 2170. (a) “Conditional voter registration” means a properly
4 executed affidavit of registration, which is delivered by the
5 registrant to a county elections official during the 14 days
6 immediately preceding an election or on election day and which
7 may be deemed effective pursuant to this article after the elections
8 official processes the affidavit, determines the registrant’s
9 eligibility to register, and validates the registrant’s information,
10 as specified in subdivision (c).

11 (b) In addition to other methods of voter registration provided
12 by this code, an elector who is otherwise qualified to register to
13 vote under this code and Section 2 of Article II of the California
14 Constitution may complete a conditional voter registration and
15 cast a provisional ballot during the 14 days immediately preceding
16 an election or on election day pursuant to this article.

17 (c) (1) A conditional voter registration shall be deemed effective
18 if the county elections official is able to determine before or during
19 the canvass period for the election that the registrant is eligible to
20 register to vote and that the information provided by the registrant
21 on the registration affidavit matches information contained in a
22 database maintained by the ~~California~~ Department of Motor
23 Vehicles or the federal Social Security Administration.

24 (2) If the information provided by the registrant on the
25 registration affidavit cannot be verified pursuant to paragraph (1)
26 but the registrant is otherwise eligible to vote, the registrant shall
27 be issued a unique identification number pursuant to Section 2150
28 and the conditional voter registration shall be deemed effective.

1 (3) *In order for a conditional voter registration to be deemed*
2 *effective as described in paragraph (2), the registrant shall provide*
3 *proof of residence pursuant to subdivision (a) of Section 2170.5.*

4 (d) The county elections official shall offer conditional voter
5 registration and provisional voting pursuant to this article, in
6 accordance with the following procedures:

7 (1) The *county* elections official shall provide conditional voter
8 registration and provisional voting pursuant to this article at all
9 permanent offices of the county elections official in the county.

10 (2) The *county* elections official shall advise registrants that a
11 conditional voter registration will be effective only if the registrant
12 is determined to be eligible to register to vote for the election and
13 the information provided by the registrant on the registration
14 affidavit is verified pursuant to subdivision (c).

15 (3) The *county* elections official shall conduct the receipt and
16 handling of each conditional voter registration and offer and receive
17 a corresponding provisional ballot in a manner that protects the
18 secrecy of the ballot and allows the *county* elections official to
19 process the registration, to determine the registrant's eligibility to
20 register, and to validate the registrant's information before counting
21 or rejecting the corresponding provisional ballot.

22 (4) After receiving a conditional voter registration, the *county*
23 elections official shall process the registration, determine the
24 registrant's eligibility to register, and attempt to validate the
25 information.

26 (5) If a conditional registration is deemed effective, the *county*
27 elections official shall include the corresponding provisional ballot
28 in the official canvass.

29 (e) The county elections official may offer conditional voter
30 registration and provisional voting pursuant to this article on
31 election day at satellite offices of the county elections office, in
32 accordance with the procedures specified in paragraphs (2) to (5),
33 inclusive, of subdivision (d).

34 SEC. 2. Section 2170.5 is added to the Elections Code, to read:

35 2170.5. (a) A person who completes a conditional voter
36 registration pursuant to this article shall provide proof of residence
37 in order to register to vote during the 14 days immediately
38 preceding an election or on election day. Proof of residence shall
39 include any of the following:

1 (1) A valid California driver’s license, driver’s instruction
2 permit, or identification card.

3 (2) A valid student identification card with an identifying
4 photograph.

5 (3) A tribal identification card with an identifying photograph
6 and signature.

7 (4) Photo identification, which may include a driver’s license,
8 state identification card, passport, military identification card, tribal
9 identification card, or student identification card, and a current bill
10 identifying the name and address of the registrant, which may
11 include a utility bill due within 30 days of election day, a rent
12 statement dated within 30 days of election day, or a current student
13 fee statement.

14 (b) If a conditional voter registration is not deemed effective
15 pursuant to this article, the elections official shall process the
16 affidavit of registration pursuant to Sections 2102 and 2107 and,
17 if the registrant meets all other eligibility requirements to register
18 to vote, the registration shall be deemed effective in forthcoming
19 elections.

20 SEC. 3. If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.