

**ASSEMBLY BILL**

**No. 391**

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**Introduced by Assembly Member Gallagher**

February 18, 2015

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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.