

ASSEMBLY BILL

No. 2466

Introduced by Assembly Member Weber
(Principal coauthor: Senator Mitchell)

February 19, 2016

An act to amend Sections 2101, 2106, and 2212 of the Elections Code, relating to voting.

LEGISLATIVE COUNSEL'S DIGEST

AB 2466, as introduced, Weber. Voting: felons.

The California Constitution requires the Legislature to provide for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony. Existing law provides that a person is entitled to register to vote if he or she is a United States citizen, a resident of California, not imprisoned or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election.

This bill, for purposes of determining who is entitled to register to vote, would define imprisoned as currently serving a state or federal prison sentence and would define parole as a term of supervision by the Department of Corrections and Rehabilitation. The bill would clarify that conviction does not include a juvenile adjudication.

Existing law requires any program adopted by a county pursuant to certain provisions, that is designed to encourage the registration of electors, with respect to any printed literature or media announcements made in connection with the program to contain a statement that a person entitled to register to vote must be a United States citizen, a California resident, not in prison or on parole for conviction of a felony, and at least 18 years of age at the time of the election.

This bill would instead require that the statement, as described above, state that a person entitled to register to vote must be a United States citizen, a California resident, not currently in state or federal prison or on state parole for the conviction of a felony, and at least 18 years of age at the time of the election. By requiring a county to change the statement included as part of its voter registration program, as described above, the bill would impose a state-mandated local program.

Existing law requires the clerk of the superior court of each county, on the basis of the records of the court, to furnish to the chief elections official of the county, at least on April 1 and September 1 of each year, a statement showing the names, addresses, and dates of birth of all persons who have been convicted of felonies since the clerk’s last report. Existing law requires the elections official to cancel the affidavits of registration of those persons who are currently imprisoned or on parole for the conviction of a felony.

This bill would instead require that the statement furnished by the clerk of the superior court of each county to the county elections official show the names, addresses, and dates of birth of all person who have been committed to state prison as the result of the conviction of a felony since the clerk’s last report.

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 2101 of the Elections Code, as enacted
- 2 by Section 2 of Chapter 920 of the Statutes of 1994, is amended
- 3 to read:
- 4 2101. (a) A person entitled to register to vote shall be a United
- 5 States citizen, a resident of California, not ~~in prison~~ *imprisoned*
- 6 or on parole for the conviction of a felony, and at least 18 years
- 7 of age at the time of the next election.

1 (b) (1) For purposes of this section the following definitions
2 apply:

3 (A) “Imprisoned” means currently serving a state or federal
4 prison sentence.

5 (B) “Parole” means a term of supervision by the Department
6 of Corrections and Rehabilitation.

7 (2) For purposes of this section, “conviction” does not include
8 a juvenile adjudication.

9 SEC. 2. Section 2101 of the Elections Code, as amended by
10 Section 2 of Chapter 728 of the Statutes of 2015, is amended to
11 read:

12 2101. (a) A person entitled to register to vote shall be a United
13 States citizen, a resident of California, not imprisoned or on parole
14 for the conviction of a felony, and at least 18 years of age at the
15 time of the next election.

16 (b) A person entitled to preregister to vote in an election shall
17 be a United States citizen, a resident of California, not imprisoned
18 or on parole for the conviction of a felony, and at least 16 years
19 of age.

20 (c) (1) For purposes of this section the following definitions
21 apply:

22 (A) “Imprisoned” means currently serving a state or federal
23 prison sentence.

24 (B) “Parole” means a term of supervision by the Department
25 of Corrections and Rehabilitation.

26 (2) For purposes of this section, “conviction” does not include
27 a juvenile adjudication.

28 SEC. 3. Section 2106 of the Elections Code, as enacted by
29 Section 2 of Chapter 920 of the Statutes of 1994, is amended to
30 read:

31 2106. ~~Any~~A program adopted by a county pursuant to Section
32 2103 or 2105, that is designed to encourage the registration of
33 electors, ~~shall, with respect to~~ shall contain the following statement
34 in any printed literature or media announcements made in
35 connection with ~~these programs, contain this statement:~~ the
36 program: “A person entitled to register to vote must be a United
37 States citizen, a resident of California, not *currently* in state or
38 federal prison or on state parole for the conviction of a felony, and
39 at least 18 years of age at the time of the election.”

1 SEC. 4. Section 2106 of the Elections Code, as amended by
2 Section 2 of Chapter 619 of the Statutes of 2014, is amended to
3 read:

4 2106. A program adopted by a county pursuant to Section 2103
5 or 2105, that is designed to encourage the registration of electors,
6 ~~shall, with respect to a~~ *shall contain the following statement in*
7 ~~printed literature or media-announcement~~ *announcements* made
8 ~~in connection with these programs, contain this statement: the~~
9 *program:* “A person entitled to register to vote must be a United
10 States citizen, a resident of California, not *currently in state or*
11 *federal* prison or on *state* parole for the conviction of a felony, and
12 at least 18 years of age at the time of the election. A person may
13 preregister to vote if he or she is a United States citizen, a resident
14 of California, not *currently in state or federal* prison or on *state*
15 parole for the conviction of a felony, and at least 16 years of age.”
16 A county elections official may continue to use existing materials
17 before printing new or revised materials required by any changes
18 to this section.

19 SEC. 5. Section 2106 of the Elections Code, as amended by
20 Section 5 of Chapter 728 of the Statutes of 2015, is amended to
21 read:

22 2106. A program adopted by a county pursuant to Section 2103
23 or 2105, that is designed to encourage the registration of electors,
24 ~~shall, with respect to a~~ *shall contain the following statement in*
25 ~~printed literature or media-announcement~~ *announcements* made
26 ~~in connection with these programs, contain this statement: the~~
27 *program:* “A person entitled to register to vote must be a United
28 States citizen, a resident of California, not *currently imprisoned*
29 *in a state or federal prison* or on *state* parole for the conviction of
30 a felony, and at least 18 years of age at the time of the election. A
31 person may preregister to vote if he or she is a United States citizen,
32 a resident of California, not *currently imprisoned in a state or*
33 *federal prison* or on *state* parole for the conviction of a felony,
34 and at least 16 years of age.” A county elections official may
35 continue to use existing materials before printing new or revised
36 materials required by any changes to this section.

37 SEC. 6. Section 2106 of the Elections Code, as amended by
38 Section 6 of Chapter 728 of the Statutes of 2015, is amended to
39 read:

1 2106. ~~Any~~ A program adopted by a county pursuant to Section
2 2103 or 2105, that is designed to encourage the registration of
3 electors, ~~shall, with respect to~~ *shall contain the following statement*
4 *in any printed literature or media announcements made in*
5 *connection with these programs, contain this statement: the*
6 *program: “A person entitled to register to vote must be a United*
7 *States citizen, a resident of California, not currently imprisoned*
8 *in a state or federal prison or on state parole for the conviction of*
9 *a felony, and at least 18 years of age at the time of the election.”*

10 SEC. 7. Section 2212 of the Elections Code, as amended by
11 Section 95 of Chapter 784 of the Statutes of 2002, is amended to
12 read:

13 2212. The clerk of the superior court of each county, on the
14 basis of the records of the court, shall furnish to the ~~chief county~~
15 ~~elections official of the county,~~ *official*, not less frequently than
16 the first day of April and the first day of September of each year,
17 a statement showing the names, addresses, and dates of birth of
18 all persons who have been ~~convicted of felonies~~ *committed to state*
19 *prison as the result of a felony conviction* since the clerk’s last
20 report. The elections official shall, during the first week of April
21 and the first week of September in each year, cancel the affidavits
22 of registration of those persons who are currently imprisoned or
23 on parole for the conviction of a felony. The clerk shall certify the
24 statement under the seal of the court.

25 SEC. 8. Section 2212 of the Elections Code, as amended by
26 Section 65 of Chapter 728 of the Statutes of 2015, is amended to
27 read:

28 2212. The clerk of the superior court of each county, on the
29 basis of the records of the court, shall furnish to the Secretary of
30 State and the county elections official in the format prescribed by
31 the Secretary of State, not less frequently than the first day of every
32 month, a statement showing the names, addresses, and dates of
33 birth of all persons who have been ~~convicted of felonies~~ *committed*
34 *to state prison as the result of a felony conviction* since the clerk’s
35 last report. The Secretary of State or county elections official shall
36 cancel the affidavits of registration of those persons who are
37 currently imprisoned or on parole for the conviction of a felony.
38 The clerk shall certify the statement under the seal of the court.

39 SEC. 9. If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to

- 1 local agencies and school districts for those costs shall be made
- 2 pursuant to Part 7 (commencing with Section 17500) of Division
- 3 4 of Title 2 of the Government Code.

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