

ASSEMBLY BILL

No. 1507

Introduced by Assembly Member Washington

February 26, 1999

An act to amend Sections 2201, 2212, and 14240 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1507, as introduced, Washington. Elections: disqualification of electors.

The California Constitution requires the Legislature to provide for the disqualification of electors while on parole for the conviction of a felony. Existing statutory law imposes various requirements on local elections officials regarding the enforcement of that prohibition.

This bill would delete those enforcement duties imposed on local elections officials.

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

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

1 SECTION 1. Section 2201 of the Elections Code is
2 amended to read:

3 2201. The county elections official shall cancel the
4 registration in the following cases:

5 (a) At the signed, written request of the person
6 registered.

1 (b) When the mental incompetency of the person
2 registered is legally established as provided in Sections
3 2208, 2209, 2210, and 2211.

4 (c) Upon proof that the person is presently imprisoned
5 ~~or on parole~~ for conviction of a felony.

6 (d) Upon the production of a certified copy of a
7 judgment directing the cancellation to be made.

8 (e) Upon the death of the person registered.

9 (f) Pursuant to Article 2 (commencing with Section
10 2220).

11 (g) Upon official notification that the voter is
12 registered to vote in another county or state.

13 (h) Upon proof that the person is otherwise ineligible
14 to vote.

15 SEC. 2. Section 2212 of the Elections Code is amended
16 to read:

17 2212. (a) As used in this section, “county clerk” does
18 not include “registrar of voters.”

19 (b) The county clerk, on the basis of the records of
20 courts in the county having jurisdiction of those offenses,
21 shall furnish to the chief elections official of the county,
22 not less frequently than the first day of April and the first
23 day of September of each year, a statement showing the
24 names, addresses, and dates of birth of all persons who
25 have been convicted of felonies since the county clerk’s
26 last report, and who are currently imprisoned. The
27 elections official shall, during the first week of April and
28 the first week of September in each year, cancel the
29 affidavits of registration of those persons who are
30 currently imprisoned ~~or on parole~~ for the conviction of a
31 felony. The county clerk shall certify the statement under
32 the seal of his or her office.

33 SEC. 3. Section 14240 of the Elections Code is
34 amended to read:

35 14240. (a) A person offering to vote may be orally
36 challenged within the polling place only by a member of
37 the precinct board upon any or all of the following
38 grounds:

39 (1) That the voter is not the person whose name
40 appears on the index.



- 1 (2) That the voter is not a resident of the precinct.
2 (3) That the voter is not a citizen of the United States.
3 (4) That the voter has voted that day.
4 ~~(5) That the voter is presently on parole for the~~
5 ~~conviction of a felony.~~
6 (b) On the day of the election no person, other than a
7 member of a precinct board or other official responsible
8 for the conduct of the election, shall challenge or question
9 any voter concerning the voter's qualifications to vote.
10 (c) If any member of a precinct board receives, by
11 mail or otherwise, any document or list concerning the
12 residence or other voting qualifications of any person or
13 persons, with the express or implied suggestion, request,
14 or demand that the person or persons be challenged, the
15 board member shall first determine whether the
16 document or list contains or is accompanied by evidence
17 constituting probable cause to justify or substantiate a
18 challenge. In any case, before making any use whatever
19 of such a list or document, the member of the precinct
20 board shall immediately contact the elections official,
21 charged with the duty of conducting the election, and
22 describe the contents of the document or list and the
23 evidence, if any, received bearing on voting
24 qualifications. The elections official shall advise the
25 members of the precinct board as to the sufficiency of
26 probable cause for instituting and substantiating the
27 challenge and as to the law as herein provided, relating
28 to hearings and procedures for challenges by members of
29 the precinct board and determination thereof by a
30 precinct board. The elections official may, if necessary,
31 designate a deputy to receive and answer inquiries from
32 precinct board members as herein provided.

