

Senate Bill No. 172

Passed the Senate September 4, 2009

Secretary of the Senate

Passed the Assembly September 1, 2009

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 2224, 2225, and 2226 of the Elections Code, relating to voters.

LEGISLATIVE COUNSEL'S DIGEST

SB 172, Florez. Voter registration.

Under existing law, the registration of a voter is permanent for all purposes during his or her life, unless and until the affidavit of registration is canceled by a county elections official for a specified cause. Existing law authorizes a county elections official, if a voter has not voted in any election within the preceding 4 years, and the residence, address, name, or party affiliation of the voter has not been updated during that time, to send an alternate residency confirmation postcard that describes the alternate residency procedure. If a county uses the alternate residency confirmation procedure, the county is required to notify all voters of the procedure in the sample ballot pamphlet or in a separate mailing. A voter in that county is also given the opportunity to vote at a statewide primary or general election between the date of the notice and the beginning of the alternate residency procedure. Existing law further authorizes a county elections official to cancel the voter registration of a voter whose name has been placed on the inactive file of registered voters for failure to respond to a confirmation mailing or an address verification mailing and who does not offer to vote or vote at any election between the date of the mailing and 2 federal general elections after the date of that mailing.

This bill would instead provide that a county elections official may cancel the voter registration of a voter whose name has been placed on the inactive file of registered voters for failure to respond to a confirmation mailing or an address verification mailing and who does not offer to vote or vote at any election between the date of the mailing and 4 presidential elections after the date of that mailing.

By increasing duties of elections 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.

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

SECTION 1. Section 2224 of the Elections Code is amended to read:

2224. (a) If a voter has not voted in any election within the preceding four years, and his or her residence address, name, or party affiliation had not been updated during that time, the county elections official may send an alternate residency confirmation postcard. The use of this postcard may be sent subsequent to NCOA or sample ballot returns, but shall not be used in the residency confirmation process conducted under Section 2220. The postcard shall be forwardable, including a postage-paid and preaddressed return form to enable the voter to verify or correct the address information, and shall be in substantially the following form:

“If the person named on the postcard is not at this address, PLEASE help keep the voter rolls current and save taxpayer dollars by returning this postcard to your mail carrier.”

“IMPORTANT NOTICE”

“According to our records you have not voted in any election during the past four years, which may indicate that you no longer reside in ____ County. If you continue to reside in this county you must confirm your residency address in order to remain on the active voter list and receive election materials in the mail.”

“If confirmation has not been received within 15 days, you may be required to provide proof of your residence address in order to vote at future elections and, if you do not appear or offer to vote at any election in the period between the date of this notice and the fourth presidential election after the date of this notice, your voter registration will be canceled and you will have to reregister in order to vote. If you no longer live in ____ County, you must reregister at your new residence address in order to vote in the next election. California residents may obtain a mail registration

form by calling the county elections office or the Office of the Secretary of State.”

(b) The use of a toll-free telephone number to confirm the old residence address is optional. Any change to a voter’s address shall be received in writing.

(c) Any county using the alternate residency confirmation procedure shall notify all voters of the procedure in the sample ballot pamphlet or in a separate mailing. The voter shall be given an opportunity to vote at a statewide primary or general election between the date of notice and the beginning of the alternate residency procedure.

SEC. 2. Section 2225 of the Elections Code is amended to read:

2225. (a) Based on change of address data received from the United States Postal Service or its licensees, the county elections official shall send a forwardable notice, including a postage-paid and preaddressed return form, to enable the voter to verify or correct address information.

Notification received through NCOA or Operation Mail that a voter has moved and has given no forwarding address shall not require the mailing of a forwardable notice to that voter.

(b) If a change of address indicates that the voter has moved to a new residence address in the same county, the forwardable notice shall be in substantially the following form:

“We have received notification that the voter has moved to a new residence address in ____ County. You will be registered to vote at your new address unless you notify our office within 15 days that the address to which this card was mailed is not a change of your permanent residence. You must notify our office by either returning the attached postage-paid postcard, or by calling toll free. If this is not a permanent residence, and if you do not notify us within 15 days, you may be required to provide proof of your residence address in order to vote at future elections.”

(c) If change of address data indicates that the voter has moved to a new address in another county, the forwardable notice shall be in substantially the following form: “We have received notification that you have moved to a new address not in ____ County. Please use the attached postage-paid postcard to: (1) advise us if this is or is not a permanent change of residence address, or (2) to advise us if our information is incorrect. If you do not return this card within 15 days and continue to reside in ____ County,

you may be required to provide proof of your residence address in order to vote at future elections and, if you do not offer to vote at any election in the period between the date of this notice and the fourth presidential election following this notice, your voter registration will be canceled and you will have to reregister in order to vote. If you no longer live in ____ County, you must reregister at your new residence address in order to vote in the next election. California residents may obtain a mail registration form by calling the county elections officer or 1-800-345-VOTE.”

(d) If postal service change-of-address data received from a nonforwardable mailing indicates that a voter has moved and left no forwarding address, a forwardable notice shall be sent in substantially the following form:

“We are attempting to verify postal notification that the voter to whom this card is addressed has moved and left no forwarding address. If the person receiving this card is the addressed voter, please confirm your continued residence or provide current residence information on the attached postage-paid postcard within 15 days. If you do not return this card and continue to reside in ____ County, you may be required to provide proof of your residence address in order to vote at future elections and, if you do not offer to vote at any election in the period between the date of this notice and the fourth presidential election following this notice, your voter registration will be canceled and you will have to reregister in order to vote. If you no longer live in ____ County, you must reregister at your new residence address in order to vote in the next election. California residents may obtain a mail registration form by calling the county elections office or the Office of the Secretary of State.”

(e) The use of a toll-free telephone number to confirm the old residence address is optional. Any change to the voter address must be received in writing.

SEC. 3. Section 2226 of the Elections Code is amended to read:

2226. (a) Based on change-of-address information received pursuant to Sections 2220 to 2225, inclusive, or change-of-address information provided directly by the voter, the county elections official shall take the following actions as appropriate:

(1) If the information indicates the voter has moved to a new address within the same county, the county elections official shall update and correct the voter’s registration.

(2) If the information indicates the voter has moved to a new address in another county, if the mailings have been returned as undeliverable, or if the voter fails to confirm his or her address as required by Section 2224, the county elections official may place the voter's name on the inactive file of registered voters who do not receive election materials and are not included in calculations to determine the number of signatures required for qualification of candidates and measures, precinct size, or other election administration related processes.

(3) If the voter verifies in writing that he or she has moved to a residence address in another county, the county elections official shall cancel the voter registration in the county from which the voter has moved.

(b) The voter registration of any voter whose name has been placed on the inactive file of registered voters for failure to respond to a confirmation mailing as required by Section 2224 or an address verification mailing required by Section 2225, and who does not offer to vote or vote at any election between the date of the mailing and four presidential elections after the date of that mailing, may be canceled.

(c) Any voter whose name has been placed on the inactive file of registered voters and offers to vote at any election between the date of the verification notice, and four presidential elections after the date of notice, or who notifies the elections official of a continued residency, shall be removed from the inactive file and placed on the active voter file.

(d) All address corrections, cancellations, and inactive transactions made to the voter registration file pursuant to this section shall be reflected on the voter index as required by Section 2191.

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

Approved _____, 2009

Governor