

Introduced by Senator Price

February 19, 2010

An act to amend Section 2154 of the Elections Code, relating to voter registration.

LEGISLATIVE COUNSEL'S DIGEST

SB 1434, as introduced, Price. Voter registration: affidavits: rebuttable presumptions.

Under existing law, when a county elections official receives an affidavit of voter registration that does not include portions of information for which space is provided, the county elections official is required to apply several rebuttable presumptions. Those presumptions include a presumption that if the affiant fails to list a middle name or initial then no middle name exists, and if the affiant fails to list a state of birth within the United States then it is presumed that the place of birth is in the United States if the affiant lists his or her birthplace as the United States, U.S.A., or other recognizable term designating the United States.

This bill would provide that if an affiant fails to identify his or her place of birth, the county elections official shall apply a rebuttable presumption that the affiant is eligible to register to vote if the affiant marked the box on the affidavit of registration, executed under penalty of perjury, that the affiant is a citizen of the United States.

The bill would additionally provide that it would incorporate provisions of Senate Bill 6 if Senate Constitutional Amendment 4 from the 2009–10 Regular Session is approved by the voters.

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

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

SECTION 1. Section 2154 of the Elections Code, as amended by Section 5 of Chapter 899 of the Statutes of 2000, is amended to read:

2154. In the event that the county elections official receives an affidavit of registration that does not include portions of the information for which space is provided, the county elections official voters shall apply the following rebuttable presumptions:

(a) If no middle name or initial is shown, it shall be presumed that none exists.

(b) If no party affiliation is shown, it shall be presumed that the affiant has no party affiliation.

(c) If no execution date is shown, it shall be presumed that the affidavit was executed on or before the 15th day prior to the election, provided that (1) the affidavit is received by the county elections official on or before the 15th day prior to the election, or (2) the affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official.

(d) If the affiant fails to identify his or her state of birth within the United States, it shall be presumed that the affiant was born in a state or territory of the United States if the birthplace of the affiant is shown as “United States,” “U.S.A.,” or other recognizable term designating the United States.

(e) *If the affiant fails to identify his or her place of birth, it shall be presumed that the affiant is eligible to register to vote if he or she marked the box on the affidavit of registration, executed under penalty of perjury, that he or she is a citizen of the United States.*

SEC. 2. Section 2154 of the Elections Code, as amended by Section 11 of Chapter 1 of the Statutes of 2009, is amended to read:

2154. In the event that the county elections official receives an affidavit of registration that does not include portions of the information for which space is provided, the county elections official voters shall apply the following rebuttable presumptions:

(a) If no middle name or initial is shown, it shall be presumed that none exists.

(b) If no party preference is shown, it shall be presumed that the affiant has chosen the “No Party Preference” designation.

1 (c) If no execution date is shown, it shall be presumed that the
2 affidavit was executed on or before the 15th day prior to the
3 election, provided that (1) the affidavit is received by the county
4 elections official on or before the 15th day prior to the election,
5 or (2) the affidavit is postmarked on or before the 15th day prior
6 to the election and received by mail by the county elections official.

7 (d) If the affiant fails to identify his or her state of birth within
8 the United States, it shall be presumed that the affiant was born in
9 a state or territory of the United States if the birthplace of the
10 affiant is shown as “United States,” “U.S.A.,” or other recognizable
11 term designating the United States.

12 (e) *If the affiant fails to identify his or her place of birth, it shall*
13 *be presumed that the affiant is eligible to register to vote if he or*
14 *she marked the box on the affidavit of registration, executed under*
15 *penalty of perjury, that he or she is a citizen of the United States.*

16 SEC. 3. Section 2 of this bill shall become operative if Senate
17 Constitutional Amendment 4 from the 2009–10 Regular Session
18 is approved by the voters and becomes operative on January 1,
19 2011, in which case Section 1 of this bill shall not become
20 operative.