

- 6) Requires a county elections official to permit a voter with a disability or a military or overseas voter to use a certified RAVBM system, as specified.
- 7) Required a county elections official to permit any voter to cast a ballot using a certified RAVBM system, regardless of whether the voter is a voter with disabilities or a military or overseas voter for the statewide general election held on November 3, 2020.
- 8) Defines “conditional voter registration” to mean a properly executed affidavit of registration that is delivered by the registrant to the county elections official during the 14 days immediately preceding an election or on Election Day and which may be deemed effective after the elections official processes the affidavit, determines the registrant’s eligibility to register, and validates the registrant’s information, as specified.
- 9) Provides that a conditional voter registration is deemed effective if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and that the information provided by the registrant on the registration affidavit matches information contained in a database maintained by the Department of Motor Vehicles or the federal Social Security Administration. If the information provided by the registrant on the registration affidavit cannot be verified this way, but the registrant is otherwise eligible to vote, the registrant shall be issued a unique identification number, as specified, and the conditional voter registration shall be deemed effective.
- 10) Requires the elections official to provide conditional voter registration and voting pursuant to this article at all permanent and satellite offices of the county elections official and all polling places in the county.
- 11) Requires the Legislature to provide for the disqualification of electors while mentally incompetent or serving a state or federal prison term for the conviction of a felony.
- 12) Requires the county elections official to cancel the affidavits of registration upon the proof that the person is presently imprisoned for the conviction of a felony.
- 13) Requires the clerk of the superior court of each county to furnish to the SOS and the county elections official, not less than the first day of every month, a statement showing the names, addresses, and dates of birth of all persons who have been committed to state prison as the result of a felony conviction, as specified. Requires the SOS or the county elections official to cancel the affidavits of registration of those persons who are currently imprisoned for the conviction of a felony.
- 14) Declares it is the intent of the Legislature that voter registration be maintained at the highest possible level. Requires the SOS to adopt regulations requiring each county elections official to design and implement programs intended to identify qualified electors who are not registered to vote, and to register those person to vote, as specified.

This bill:

- 1) Requires an elections official to make conditional voter registration and voting available to military and overseas voters through a certified RAVBM system, as specified.
- 2) Repeals provisions of law that require the clerk of the superior court of each county to furnish the SOS and the county elections official, not less than the first day of every month, a statement showing the names, addresses, and dates of birth of all persons who have been committed to state prison as the result of a felony conviction, as specified.
- 3) Requires the California Department of Corrections and Rehabilitation (CDCR) to provide to the SOS, on a weekly basis and in a format prescribed by the SOS, specified identification information for all of the following persons:
 - a) Persons imprisoned, or on parole, for the conviction of a felony and under the jurisdiction of CDCR.
 - b) Persons released from imprisonment, or released from parole, for the conviction of a felony and no longer under the jurisdiction of CDCR.
- 4) Requires the personal identification information for the purposes of this bill to include all of the following:
 - a) All known first and last names.
 - b) Last known address.
 - c) Date of birth.
 - d) Last four digits of the person's social security number, if available.
 - e) Driver's license or state-issued identification number, if available.
- 5) Defines the following terms for the purposes of this bill:
 - a) Provides that "conviction" does not include a juvenile adjudication pursuant to existing law.
 - b) "Department" to mean the CDCR.
 - c) "Imprisoned" to mean currently serving a state or federal prison term pursuant to existing law.
 - d) "Parole" to mean a term of supervision by CDCR.
- 6) Requires the SOS to provide the information specified by this bill to county elections officials within three days of receipt of the information from CDCR.
- 7) Requires a county elections official, upon receipt of information from the SOS, to do all of the following:

- a) Cancel the affidavit of registration of any person imprisoned for the conviction of a felony and under the jurisdiction of CDCR whose registration information matches a unique identifier provided by the SOS to the county used in the statewide voter registration database developed in compliance with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.).
 - b) Notify individuals on parole or individuals released from imprisonment for the conviction of a felony and no longer under the jurisdiction of CDCR, and whose last known address is within the county, as specified, that the individual's voting rights are restored and advise the individual that if the individual is otherwise entitled to register to vote the individual may register to vote. Requires the county elections official to also provide the individual with information regarding the procedure for registering to vote.
- 8) Provides that a county or county elections official is not liable for erroneously adding, canceling, or failing to cancel the affidavit of registration of any person based on information provided by the SOS or CDCR, as specified. Provides that a county or county elections official is not liable for taking or failing to take the specified actions described when the county or county elections official have received incomplete information from the SOS or CDCR.
- 9) Makes technical and conforming changes.

BACKGROUND

Military and Overseas Voters. In California, an individual is permitted to register to vote electronically. When registering to vote as a military or overseas voter, a voter can choose to have their ballot mailed, faxed, or emailed to them. Additionally, county elections officials begin sending ballots to military and overseas voters 60 days before Election Day. The voter may return the voted ballot to their county elections official by mail or, in certain circumstances, by fax. If returning a voted ballot by fax, then the voter must fax an "Oath of Voter" form waiving the voter's right to a confidential ballot.

Efforts to Facilitate Voting by Overseas and Military Voters. In 2009, President Obama signed into law the Military and Overseas Voter Empowerment (MOVE) Act to expand the 1986 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), which was established to protect the rights of service members to vote in federal elections regardless of where they are stationed. The MOVE Act builds on UOCAVA to provide greater protections for service members, their families, and other overseas citizens.

In addition to being compliant with all provisions in the MOVE Act, California law also makes other accommodations to facilitate voting by military voters and other California residents who are outside of the United States. Specifically, current law provides that an application for a VBM ballot by an overseas voter is deemed to be a request for voter registration (if the voter was not already registered to vote) and an application for permanent VBM voter status. In addition, California makes all overseas voters permanent VBM voters, thereby eliminating the need for overseas military voters and other overseas voters to request a VBM ballot for each election.

In 2012, the Legislature passed and Governor Brown signed AB 1805 (Huffman), Chapter 744, Statutes of 2012, which established new voting procedures for military and overseas voters, as defined, to comply with the UOCAVA and implement the policies of that act and the Uniform Military & Overseas Voter Act adopted by the National Conference of Commissioners on Uniform State Laws. Among other provisions, AB 1805 expanded the definition of military or overseas voters and expanded the use of the Federal Write-In Absentee Ballot by allowing use by military or overseas voters in non-federal elections to ensure continuity and uniformity across state lines.

AB 1929 (Gorell), Chapter 694, Statutes of 2012, established processes and procedures for the review and approval of ballot marking systems, as defined, for use in California elections. A ballot marking system speeds up the amount of time it takes for military or overseas voter to cast a ballot by allowing a military or overseas voter to electronically obtain a ballot specific to the precinct in which they reside and electronically mark their ballot. The information marked on the voter's ballot is formatted onto a document that the voter may print out and mail or fax to their county elections official.

AB 2252 (Ting), Chapter 75, Statutes of 2016, allowed a military or overseas voter or a voter with disabilities to electronically receive and mark their VBM ballot using a RAVBM system. Additionally, AB 2252 prohibited a RAVBM system from being connected to a voting system at any time and revised, updated, and established processes and procedures for the review and approval of a RAVBM system, as specified.

Conditional Voter Registration. Conditional voter registration permits eligible citizens who need to register or re-register to vote within 14 days of an election to register and vote at their county elections office, polling place, or vote center. Their ballots are processed and counted once the county elections office has completed the voter registration verification process. According to data from the SOS, 269,862 voters used the conditional voter registration process to vote in the November 2020 general election.

California Disenfranchisement Laws. Article II, Section 4 of the California Constitution states that "[the] Legislature shall prohibit improper practices that affect elections and shall provide for the disqualification of electors while mentally incompetent or serving a state or federal prison term for the conviction of a felony." Elections Code Section 2101 is the statute that implements Article II, Section 4 of the California Constitution. Section 2101 states that "[a] person entitled to register to vote shall be a United States citizen, a resident of California, not imprisoned for the conviction of a felony, and at least 18 years of age at the time of the next election." In order to maintain an updated and current voter file, elections officials are required to cancel the voter registrations of individuals who are imprisoned for the conviction of a felony. However, a person who is on parole or probation is permitted to register to vote and vote.

Facilitating Voter Registration. Over the years, various bills have been signed into law to help educate individuals with a criminal history about their voting rights. AB 149 (Weber), Chapter 580, Statutes of 2013, required a county probation department to either establish a hyperlink on its internet website to the SOS's voting rights guide for persons with a criminal history or to post a notice that contains the SOS's internet website address where the voting rights guide can be found.

In 2014, two bills were enacted to further this effort. AB 2243 (Weber), Chapter 899, Statutes of 2014, required the CDCR to make specified information relating to voting rights of incarcerated persons available to the public, and parolees under their jurisdiction. SB 1063 (Block), Chapter 624, Statutes of 2014, required state and local juvenile detention facilities to identify individuals housed in those facilities who are eligible to register to vote and provide assistance in completing affidavits of registration and returning the completed voter registration cards, as specified.

Moreover, AB 1344 (Weber), Chapter 796, Statutes of 2017, required the CDCR and county probation departments to provide specified voting rights information to persons under their jurisdiction upon request of such person, as specified.

In 2020, ACA 6 (McCarty), Resolution Chapter 24, Statutes of 2020, proposed to amend the California Constitution to allow individuals who are on parole for conviction of a felony to vote if they otherwise meet all other eligibility requirements. This measure appeared as Proposition 17 at the statewide general election held on November 3, 2020 where the measure was approved by voters.

Initiate Justice Survey. In March 2019, Initiate Justice released a report that found there are approximately 162,000 citizens in California (110,000 in state prison, 12,000 in federal prison, and 40,000 on parole) that are currently incarcerated in prisons or on parole for the conviction of a felony that do not have the right to vote. In 2017, Initiate Justice launched a campaign to restore voting rights to California citizens currently incarcerated in state prison or on parole. As part of their campaign, Initiate Justice conducted a survey of its 4,000+ incarcerated members in 35 California state prisons and members on parole. The survey sought to provide a better understanding on whether individuals incarcerated and on parole wanted to vote, the political issues important to them, ways in which they are currently civically engaged despite being denied the right to vote, and their insights on the types of public investments that could prevent incarceration and promote public safety. The survey received 1,085 responses and found that only 37% voted before incarceration and 98% said they would vote if they could because they want to have a voice in society, feel more connected and contribute positively to their community, and have a say in the political system.

COMMENTS

- 1) According to the author: SB 504 improves two critical election processes by 1) ensuring justice involved folks are granted the right to register to vote with more accurate voter rolls, and 2) grants UOCAVA voters the ability to “Conditionally” or “Same Day” register to vote.

Justice Involved Voters: In order to not mistakenly remove a voter roll record, definitive information regarding felon status must be sent to counties before cancellation of a voter record. A formerly incarcerated person must also be communicated to when their ability to register has been restored.

SB 504 creates a single, weekly flow of information from CDCR to the SOS and eliminates the use of outdated or faulty court reports. It also does not hold county elections offices responsible for inaccurate data provided by the state.

The data flows through the VoteCal system which determines if a match to a voter record is found. Only after a match will VoteCal transmit the information to the county to cancel the registration.

UOCAVA Voters: These voters often miss the deadline to register to vote. Because they are unable to access Same Day Voter Registration the same way other voters do, UOCAVA voters receive unequal treatment and are being disenfranchised.

Elections Officials can apply the same process used for an in-person voter to a voter who is overseas or in the military. The registration process for a UOCAVA voter is not different from a domestic voter. Elections officials use the same resources to process and verify UOCAVA registrations. The only difference is that Same Day voter registration is electronic/online as opposed to in person.

- 2) Letter of Support. In a letter sponsoring SB 504, the California Association of Clerks and Election Officials stated, in part, the following:

Elections officials are responsible for maintaining voter rolls which includes cancelling a voter record if the person dies or becomes ineligible to vote due to a court order or a felony conviction. To update files, election officials rely on records that are provided by outside agencies, including the California Department of Corrections and Rehabilitation (CDCR) for felony conviction records. The information that is currently provided by the CDCR to the counties can be incomplete and inaccurate, leaving the elections official to make educated guesses as to a match. This proposal creates a clear flow of data from the CDCR to elections officials through the Secretary of State's (SOS) VoteCal system, where VoteCal will determine a match and inform counties when to cancel a record. The SOS will work with CDCR to get all necessary information needed to determine a match. Counties will also not be held responsible for inaccurate or incomplete data.

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) was enacted by Congress in 1986 to allow military and overseas civilians the right to vote in all federal, state, and local elections. When Conditional Voter Registration (CVR) was enacted to allow a safety net for voters who missed an upcoming election registration deadline an opportunity to register and vote under certain conditions, it provided only for an in-person process at the elections official's office. This was quickly expanded to the polling places and vote centers. However, because CVR requires the voter to appear in person, it still cannot be used by those individuals who are overseas or in the military. SB 504 will treat individuals equally by allowing UOCAVA voters access to this important protection just like their domestic counterparts.

- 3) Double Referral. If SB 504 is approved by this committee, it will be re-referred to the Committee on Public Safety.

RELATED/PRIOR LEGISLATION

AB 2252 (Ting), Chapter 75, Statutes of 2016, allowed a military or overseas voter or a voter with disabilities to electronically receive and mark the voter's VBM ballot using a RAVBM system.

AB 1929 (Gorell), Chapter 694, Statutes of 2012, established processes and procedures for the review and approval of ballot marking systems, as defined, for use in California elections.

AB 1805 (Huffman), Chapter 744, Statutes of 2012, established new voting procedures for military and overseas voters, as defined, to comply with the UOCAVA and implement the policies of that act and the Uniform Military & Overseas Voter Act adopted by the National Conference of Commissioners on Uniform State Laws.

ACA 6 (McCarty), Resolution Chapter 24, Statutes of 2020, proposed to the voters an amendment to the California Constitution to allow individuals who are on parole for conviction of a felony to vote if they otherwise meet all other eligibility requirements. This measure appeared as Proposition 17 at the statewide general election held on November 3, 2020 where the measure was approved by voters. AB 646 (McCarty), Chapter 320, Statutes of 2020, contained the implementing legislation for ACA 6.

AB 787 (Gipson) of 2019, among other provisions related to voter registration activities in county jail facilities, would have required the SOS to provide county elections officials with identifying information for persons imprisoned for the conviction of a felony and persons on parole or otherwise released from that imprisonment, as specified.

AB 1344 (Weber), Chapter 796, Statutes of 2017, required CDCR and county probation departments to post in the office and online voting rights information. Additionally, this bill required CDCR and county probation departments to provide voting rights information and affidavits of registration to persons under their jurisdiction upon request.

SB 1063 (Block), Chapter 624, Statutes of 2014, required specified state and local juvenile detention facilities to identify eligible individuals housed in those facilities to register to vote and provide assistance in completing affidavits of registration and returning the completed voter registration cards, as specified.

AB 2243 (Weber), Chapter 899, Statutes of 2014, required the CDCR to make specified information relating to voting rights of incarcerated persons available to the public, and parolees under their jurisdiction.

AB 149 (Weber), Chapter 580, Statutes of 2013, required a county probation department to either establish a hyperlink on its internet website to the SOS's voting rights guide for persons with a criminal history or to post a notice that contains that the SOS's internet website address where the voting rights guide can be found.

POSITIONS

Sponsor: California Association of Clerks and Election Officials

Support: Election Integrity Project California, Inc.

Oppose: None received

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