SENATE THIRD READING
SB 504 (Becker)
As Amended January 14, 2022
2/3 vote. Urgency

SUMMARY

Requires the Secretary of State (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 imprisonment, as specified. Clarifies that a military and overseas voter and a voter with a disability may complete a conditional voter registration (CVR) and cast a provisional ballot or a nonprovisional ballot.

Major Provisions

1) Deletes provisions of law that require the clerk of the superior court of each county to periodically furnish the SOS and county elections official with certain information regarding persons who have been committed to state prison for a felony conviction, as specified, and instead requires California Department of Corrections and Rehabilitation (CDCR) to provide to the SOS, on a weekly basis and in a format prescribed by the SOS, certain identification information for all of the following persons:

    a) Persons imprisoned for the conviction of a felony and under the jurisdiction of CDCR.

    b) Persons on parole or persons released from imprisonment for the conviction of a felony and no longer under the jurisdiction of CDCR.

2) Requires CDCR to provide the SOS with the personal identification information, including all of the following, for the persons listed above: all known first names; all known last names; all known middle names; all known name suffixes; last known address; date of birth; last four digits of such persons' social security number, if available; driver's license or state-issued identification number, if available.

3) Requires the SOS, upon receipt of the information described above, to do the following:

    a) Identify any registration record in the statewide voter database that contains personal identifying information that matches information pertaining to a person imprisoned for the conviction of a felony and under the jurisdiction of CDCR or on parole, as specified above.

    b) For any matched records described in subdivision a), provide to county elections officials within three days of receipt of the information from CDCR, the information pertaining to a person imprisoned for the conviction of a felony and under the jurisdiction of CDCR or a person on parole or released from imprisonment for the conviction of a felony and no longer under the jurisdiction of CDCR.

4) Requires the county elections official, upon receipt of information from the SOS, to cancel the affidavit of registration of any person imprisoned for the conviction of a felony and under the jurisdiction of CDCR, or notify a person on parole or released from imprisonment for the conviction of a felony and no longer under the jurisdiction of CDCR, that their voting rights

are restored and advise the person that if the person is otherwise entitled to register to vote, the person may register to vote.

5) Provides that a county or county elections official is not liable for taking or failing to take the actions to cancel an affidavit of registration or notify a person of their restored right to vote when the county or county elections official have received erroneous information from the SOS or CDCR.

6) Provides that if a person who is ineligible to vote receives a notice of eligibility and subsequently becomes registered or preregistered to vote, and votes or attempts to vote in an election held after the effective date of the person's registration or preregistration, that person shall be presumed to have acted with official authorization and shall not be guilty of fraudulently voting or attempting to vote, unless that person willfully votes or attempts to vote knowing that the person is not entitled to vote.

7) Permits the SOS to adopt emergency regulations to implement provisions of law relating to CVR. Provides that the Legislature finds and declares that such regulations are necessary for the immediate preservation of the public peace, health, safety, or general welfare because the regulations will ensure that elections officials have sufficient time to ensure that elections are held in a safe and accessible manner.

8) Contains an urgency clause, allowing this bill to take effect immediately upon enactment

COMMENTS

California Constitution Article II, Section 4, states that "[the] Legislature shall prohibit improper practices that affect elections and shall provide for the disqualification of electors while mentally incompetent or imprisoned for the conviction of a felony." Elections Code Section 2101 is the statute that implements California Constitution Article II, Section 4. 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." Moreover, 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 for conviction of a felony is permitted to vote.

CVR is a safety net for Californians who miss the deadline to register to vote or update their voter registration information for an election. Eligible citizens who need to register or re-register to vote within 14 days of an election can complete this process to register and vote at their county elections office, polling place, or vote center.

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 after serving their time with more accurate voter rolls, and 2) grants both [Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)] /military and disabled voters to 'Conditionally' or 'Same Day' register just as you and I currently can."

Arguments in Support
In a letter of support to a prior version of this bill, the sponsors of this bill, the California Association of Clerks and Election Officials, wrote: "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 [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 [SOS] VoteCal system, where VoteCal will determine a match and inform the 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.

"[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 [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… SB 504 will treat individuals equally by allowing UOCAVA voters access to this important protection just like their domestic counterparts."

Arguments in Opposition
None received.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

1) First year SOS costs of $278,000, and $268,000 annually thereafter, to implement the provisions of the bill (General Fund).

2) CDCR costs are absorbable within existing resources.

3) By requiring county elections officials to perform this bill's specified duties, this bill creates state-mandated local programs. To the extent the Commission on State Mandates determines the provisions of this bill impose a higher level of service, counties could claim reimbursement for those costs (General Fund). The amounts counties might claim are unknown, however local election officials indicate the workload associated with the bill is absorbable within existing resources.

VOTES

SENATE FLOOR: 39-0-1
YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Min, Newman, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk
ABS, ABST OR NV: Nielsen

ASM ELECTIONS: 7-0-0
YES: Berman, Seyarto, Bennett, Low, Mayes, Mullin, Blanca Rubio

ASM PUBLIC SAFETY: 8-0-0
YES: Jones-Sawyer, Lackey, Bauer-Kahan, Lee, Quirk, Santiago, Seyarto, Wicks

ASM APPROPRIATIONS: 16-0-0
YES: Lorena Gonzalez, Bigelow, Bryan, Calderon, Carrillo, Chau, Megan Dahle, Davies, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Kalra

ASSEMBLY FLOOR: 74-0-5
YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Bryan, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lackey, Lee, Levine, Low, Maienschein, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon
ABS, ABST OR NV: Choi, Flora, Kiley, Mathis, Nguyen

UPDATED

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