

- 6) 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.
- 7) Provides that an elector who is otherwise qualified to register to vote may complete a CVR and cast a provisional ballot, or nonprovisional ballot during the 14 days immediately preceding an election or on Election Day, as specified.
- 8) Provides that a CVR 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 CVR shall be deemed effective.
- 9) Requires the elections official to provide CVR and voting at all permanent and satellite offices of the county elections official and all polling places in the county, as specified.
- 10) 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.
- 11) Requires the clerk of the superior court of each county to furnish to the SOS and the county elections official, not less frequently 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.
- 12) 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.
- 13) 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.
- 14) Permits the SOS to adopt regulations to ensure the uniform application and administration of state elections laws. Provides that a state agency may adopt emergency regulations if certain conditions are met.

This bill:

- 1) Deletes the requirement, on affidavit of voter registration, to contain a space to permit the affiant to apply for permanent VBM status.
- 2) Deletes the requirement to the elections official to include with the county voter information guide an application for a VBM ballot.
- 3) Deletes the provisions related to requiring an officer charged with the duty of providing county voter information guides to print on the envelope containing the county voter information guide in boldface type, not smaller than 12-point, the following: "Notice: Vote by Mail Ballot Application Enclosed." Provides that this provision does not apply to envelopes mailed to VBM voters.
- 4) Permits the SOS to adopt emergency regulations to implement provisions of law pertaining to CVR. Declares that these 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.
- 5) 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.
- 6) 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 persons imprisoned for the conviction of a felony and under the jurisdiction of CDCR as well as persons on parole or persons released from imprisonment for the conviction of a felony and no longer under the jurisdiction of CDCR. Requires the identification information to include all of the following:
 - a) All known first, middle, and last names.
 - b) All known name suffixes.
 - c) Last known address.
 - d) Date of birth.
 - e) Last four digits of the person's social security number, if available.
 - f) Driver's license or state-issued identification number, if available.
- 7) Requires the SOS to identify any registration record in the statewide voter database that contains identifying information that matches information pertaining to persons imprisoned for the conviction of a felony and under the jurisdiction of CDCR as well as persons on parole or persons released from imprisonment for the conviction of a felony and no longer under the jurisdiction of CDCR. Requires the SOS to provide

this information to county elections officials within three days of receipt of the information from CDCR.

- 8) 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 whose registration information matches the information provided by the SOS to the county.
 - b) Using a form prepared by the SOS, 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.
- 9) Provides that a county or county elections official is not liable for taking or failing 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.
- 10) Provides that if a person who is ineligible to vote receives a notice and 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, as specified.
- 11) Contains an urgency clause.
- 12) Makes technical, clarifying, and conforming changes.

BACKGROUND

Vote by Mail. Since 2020, the Legislature passed and Governor Newsom signed multiple bills relating to VBM in response to the COVID-19 pandemic. First, AB 860 (Berman), Chapter 4, Statutes of 2020, required county elections officials to mail a ballot to every active registered voter for the November 3, 2020 statewide general election. Then, in February 2021, the Legislature passed and Governor Newsom signed SB 29 (Umberg), Chapter 3, Statutes of 2021, and required county elections officials to mail all active registered voters a VBM ballot for any election proclaimed or conducted in 2021. Both of these measures were temporary and only applied for specific elections. As a result, the Legislature passed and Governor Newsom signed AB 37 (Berman), Chapter 312, Statutes of 2021. Among other changes, AB 37 required county election officials to mail a VBM ballot to every active registered voter for all future elections.

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, also known as federal Uniformed and Overseas Citizens Absentee Voting Act voters or commonly known as UOCAVA 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.

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 CVR process to vote in the November 2020 general election. For the 2021 gubernatorial recall election, 58,896 voters used the CVR process.

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. AB 646 (McCarty), Chapter 320, Statutes of 2020, served as the implementing legislation for ACA 6. AB 646 permits a person who is on parole for the conviction of a felony to register to vote and to vote.

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 reduces voter confusion and ensures limited county election resources are well-spent by removing a number of now unnecessary provisions in election code pertaining to vote-by-mail after the historic and important passage of Asm. Berman's AB-37, making CA a 100% vote-by-mail state.

It also improves two other 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 UOCAVA/military and disabled voters to "Conditionally" or "Same Day" register just as you and I currently can.

- 2) Argument in Support. In a letter supporting SB 504, Secretary of State Shirley N. Weber, Ph.D., states, in part, the following:

I support Senate Bill 504, which clarifies that a military/overseas voter and a voter with a disability may complete a conditional voter registration (CVR) and cast a ballot. In addition, SB 504 removes obsolete provisions that refer to a vote-by-mail (VBM) ballot application that may cause confusion for voters.

SB 504 seeks to address the lack of access to the in-person process that many voters with disabilities and military/overseas voters experience. Clarifying the option of CVR for these populations grants a fairer democratic process. Moreover, now that recent legislation requires everyone to receive a VBM ballot, references to the VBM ballot application are now obsolete.

RELATED/PRIOR LEGISLATION

AB 37 (Berman), Chapter 312, Statutes of 2021, among other changes required county election officials to mail a VBM ballot to every active registered voter for all future elections.

SB 29 (Umberg), Chapter 3, Statutes of 2021, required county elections officials to mail all active registered voters a VBM ballot for any election proclaimed or conducted in 2021.

AB 860 (Berman), Chapter 4, Statutes of 2020, among other changes, required county elections officials to mail a ballot to every active registered voter for the November 3, 2020 statewide general election.

SB 72 (Umberg), Chapter 565, Statutes of 2019, expanded CVR and required it to be made available at all polling places, as specified.

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. The bill died in Senate Appropriations Committee.

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, the 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 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.

PRIOR ACTION

Assembly Floor:	62 - 0
Assembly Floor:	58 - 0
Assembly Floor:	74 - 0
Assembly Appropriations Committee:	16 - 0
Assembly Public Safety Committee:	8 - 0
Assembly Elections Committee:	7 - 0
Senate Floor:	39 - 0
Senate Appropriations Committee:	7 - 0
Senate Public Safety Committee:	5 - 0

Senate Elections and Constitutional Amendments: 5 - 0

POSITIONS

Sponsor: California Association of Clerks and Election Officials

Support: California Secretary of State Shirley N. Weber, Ph.D.
American Civil Liberties Union California Action
League of Women Voters of California

Oppose: None received

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