UNFINISHED BUSINESS

Bill No: SB 504
Author: Becker (D)
Amended: 3/21/22
Vote: 27 - Urgency

SENATE ELECTIONS & C.A. COMMITTEE: 5-0, 3/15/21
AYES: Glazer, Nielsen, Hertzberg, Leyva, Newman

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 4/20/21
AYES: Bradford, Ochoa Bogh, Kamlager, Skinner, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/20/21
AYES: Portantino, Bates, Bradford, Jones, Kamlager, Laird, Wieckowski

SENATE FLOOR: 39-0, 6/3/21
AYES: 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
NO VOTE RECORDED: Nielsen

SENATE ELECTIONS & C.A. COMMITTEE: 5-0, 3/29/22 (pursuant to Senate
  Rule 29.10)
AYES: Glazer, Nielsen, Hertzberg, Leyva, Newman

ASSEMBLY FLOOR: 62-0, 3/28/22 - See last page for vote

SUBJECT: Elections: voter registration

SOURCE: California Association of Clerks and Election Officials

DIGEST: This bill makes changes to the voter registration affidavit and the
information provided in the county voter information guide as it pertains to vote by

mail (VBM) and VBM ballot applications, as specified. Additionally, this bill permits the Secretary of State (SOS) to adopt emergency regulations to implement provisions of law pertaining to conditional voter registration (CVR). This bill also requires 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.

Assembly Amendments make changes to the voter registration affidavit and the information provided in the county voter information guide as it pertains to VBM and VBM ballot applications. The amendments also remove the requirement for a county elections official to make CVR available to military and overseas voters and voters with disabilities via a certified remote accessible VBM system and, instead, permit the SOS to adopt emergency regulations to implement provisions related to CVR. Additionally, the amendments provide additional details to the process and procedures for cancelling a voter registration when information is received by the SOS and provided to counties. Finally, the amendments add an urgency clause.

ANALYSIS:

Existing law:

1) Permits a person who is 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, to register to vote and to vote. Defines the following terms:

   a) "Imprisoned" to mean currently serving a state or federal prison term.

   b) Provides that "conviction" does not include a juvenile adjudication made pursuant to existing law.

2) Requires county elections officials to mail a VBM ballot to every active registered voter, as specified.

3) Requires, on affidavit of voter registration, to contain a space to permit the affiant to apply for permanent VBM status.

4) Requires the elections official to include with the county voter information guide an application for a VBM ballot.

5) Requires the 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.

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 if certain conditions are met, as specified.

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, as specified.

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. This led to AB 37 (Berman, Chapter 312,
Statutes of 2021). AB 37, among other changes, 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.

Conditional Voter Registration. CVR 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.

Comments

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."

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 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, 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 the Senate Appropriations Committee.

FISCAL EFFECT: Appropriation: No   Fiscal Com.:   Yes   Local: Yes

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 this bill is absorbable within existing resources.

SUPPORT: (Verified 3/29/22)

California Association of Clerks and Election Officials (source)

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

OPPOSITION: (Verified 3/29/22)

None received

ASSEMBLY FLOOR: 62-0, 3/28/22
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Mia
  Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Cooley, Cooper,
  Cunningham, Daly, Davies, Flora, Mike Fong, Fong, Friedman, Gabriel,
  Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Holden, Jones-
  Sawyer, Kalra, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes,
  McCarty, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Petrie-Norris,
  Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Blanca Rubio, Salas, Santiago,
  Seyarto, Stone, Ting, Villapudua, Voepel, Waldron, Ward, Wicks, Wood,
  Rendon
NO VOTE RECORDED: Bigelow, Boerner Horvath, Choi, Megan Dahle,
  Gallagher, Irwin, Kiley, Medina, Patterson, Robert Rivas, Rodriguez, Smith,
  Valladares, Akilah Weber

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3/30/22 16:11:33

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