

ASSEMBLY BILL

No. 1610

Introduced by Assembly Member Wright

February 23, 2001

An act to add Sections 2124 and 3003.5 to the Elections Code, relating to voting.

LEGISLATIVE COUNSEL'S DIGEST

AB 1610, as introduced, Wright. Voting by prisoners.

Under existing law, a person eligible to vote may request an affidavit of registration or an application for an absentee ballot from specified sources and may vote by absentee ballot.

This bill would impose a state-mandated local program by requiring a local detention facility to provide, upon request, an affidavit of registration or an application for an absentee ballot, or both, to a prisoner who is otherwise eligible to vote. The local detention facility would be required to allow the prisoner to mail a completed affidavit of registration or application for absentee ballot to the appropriate county elections official, to vote his or her absentee ballot, and mail it to the appropriate elections official.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 2124 is added to the Elections Code, to
2 read:

3 2124. A local detention facility, as defined by Section 6031.4
4 of the Penal Code, shall provide to a prisoner who so requests, and
5 who is otherwise eligible to vote, an affidavit of registration and
6 shall allow the prisoner to mail the completed affidavit to the
7 appropriate county elections official.

8 SEC. 2. Section 3003.5 is added to the Elections Code, to
9 read:

10 3003.5. (a) A local detention facility, as defined by Section
11 6031.4 of the Penal Code, shall provide to a prisoner who so
12 requests and who is otherwise eligible to vote, an application for
13 an absentee voter ballot and shall allow the prisoner to mail the
14 completed application to the appropriate county elections official.

15 (b) A local detention facility shall allow a prisoner to vote his
16 or her absentee ballot and mail it to the appropriate elections
17 official.

18 SEC. 3. Notwithstanding Section 17610 of the Government
19 Code, if the Commission on State Mandates determines that this
20 act contains costs mandated by the state, reimbursement to local
21 agencies and school districts for those costs shall be made pursuant
22 to Part 7 (commencing with Section 17500) of Division 4 of Title
23 2 of the Government Code. If the statewide cost of the claim for
24 reimbursement does not exceed one million dollars (\$1,000,000),
25 reimbursement shall be made from the State Mandates Claims
26 Fund.

