

Introduced by Senator Mountjoy

February 24, 1995

An act to amend Section 2240 of, to add Article 2.5 (commencing with Section 2230) to, and to repeal and add Article 2 (commencing with Section 2220) of, Chapter 3 of Division 2 of, the Elections Code, relating to voter registration.

LEGISLATIVE COUNSEL'S DIGEST

SB 1313, as introduced, Mountjoy. Voters: residency confirmation.

Existing law requires the county elections official to conduct a preelection residence confirmation procedure by mailing a specified nonforwardable postcard to each registered voter of the county preceding the direct primary election. For elections held in odd-numbered years, existing law authorizes the county elections official, in lieu of mailing that postcard, to include the return address of the office of the county elections official on the outside of the sample ballot or sample ballot envelope, along with an "address correction requested" statement and a statement requiring return of the sample ballot to the mail carrier if the person named in the sample ballot is not at that address.

Existing law requires the county elections official, based upon the postal notices on the returned residency confirmation postcards or the sample ballots returned, to cancel or correct, among other things, the appropriate affidavits of registration.

This bill would repeal the existing residency confirmation procedure and would enact a preprimary election procedure to be conducted by the last day of February immediately prior to the primary election. It would delete the provisions requiring the county elections official to take the required action on the basis of the returned sample ballots, and would repeal provisions requiring a postgeneral election residency confirmation process according to existing procedures.

This bill would impose a state-mandated local program by requiring the county elections official to adopt an additional postgeneral election residency confirmation procedure for the cancellation of affidavits of voter registration. It would require the county elections official, if the voter fails to vote at a general election, to mail to the voter by the last day of the following January a forwardable prepaid postcard notice, with a return notice to the county elections official, containing specified items of information to be completed by the voter. It would require the cancellation of the affidavit of registration of any voter who did not vote at the previous general election and who does not return the postage prepaid notice within the specified time period.

Existing law requires the Controller, from moneys appropriated by the Legislature, to reimburse counties for costs incurred in purging voter files according to existing procedures.

This bill would include in this provision the postgeneral election purge required by this bill.

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. Article 2 (commencing with Section
2 2220) of Chapter 3 of Division 2 of the Elections Code is
3 repealed.

4 SEC. 2. Article 2 (commencing with Section 2220) is
5 added to Chapter 3 of Division 2 of the Elections Code,
6 to read:

7
8 Article 2. Preprimary Election Residency
9 Confirmation

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11 2220. (a) The county elections official shall conduct
12 a preelection residency confirmation procedure as
13 provided in this article. This procedure shall be
14 conducted by the last day of February immediately prior
15 to the primary election. The procedure shall be initiated
16 by mailing a nonforwardable postcard to each registered
17 voter of the county preceding the direct primary
18 election. Postcards mailed pursuant to this article shall be
19 sent “Address Correction Requested, Return Postage
20 Guaranteed,” and shall be in substantially the following
21 form:

22
23 “We are requesting your assistance in correcting the
24 addresses of voters who have moved and have not
25 reregistered.

26 “1. If you still live at the address noted on this postcard,
27 your voter registration will remain in effect and you may
28 disregard this notice.

29 “2. If the person named on this postcard is not at this
30 address, please return this postcard to your mail carrier.”

31
32 (b) The county elections official, at his or her
33 discretion, shall not be required to mail a residency
34 confirmation postcard pursuant to subdivision (a), to any
35 voter who has voted at an election held within the last six
36 months preceding the start of the confirmation
37 procedure.



1 2224. (a) Based on the postal notices on the returned
2 residency confirmation postcards received pursuant to
3 Section 2220, the county elections official shall take the
4 following actions:

5 (1) The affidavits of registration of persons whose
6 residency confirmation postcards are returned by the
7 post office as undeliverable and who have no forwarding
8 address shall be canceled.

9 (2) The affidavits of registration of persons for whom
10 forwarding addresses within the county are received shall
11 be corrected to reflect the new address provided by the
12 post office.

13 (3) The affidavits of registration of persons for whom
14 forwarding addresses outside of the county are received
15 shall be canceled. Those persons shall be sent a notice of
16 the cancellation at their out-of-county address.

17 (b) Blank affidavits of registration shall immediately
18 be mailed to the addresses from which voter registrations
19 were canceled or changed pursuant to this section.

20 (c) All address corrections and cancellations of
21 affidavits of registration made pursuant to this section
22 shall be reflected on the voter index as required by
23 subdivision (a) of Section 2191.

24 SEC. 3. Article 2.5 (commencing with Section 2230)
25 is added to Chapter 3 of Division 2 of the Elections Code,
26 to read:

27
28 Article 2.5. Postgeneral Election Residency
29 Confirmation
30

31 2230. (a) The county elections official shall adopt the
32 provisions of this article for the cancellation of affidavits
33 of voter registration.

34 (b) If a voter fails to vote at a general election, the
35 county elections official shall, no later than the last day of
36 the following January, mail to the voter at the address
37 shown on his or her affidavit of registration or that shown
38 on the last application for transfer of registration, a
39 forwardable, prepaid, postcard notice, with a return
40 notice to the elections official. One portion of the



1 postcard shall contain a notice which shall be substantially
2 in the following form:

3 “Our records indicate that you did not vote in the
4 general election on November ____, 19____.

5 “If you still live at the residence address shown on your
6 affidavit of registration and wish to remain a registered
7 voter, check the appropriate box on the attached card,
8 sign the card and mail it postage free.

9 “If you have moved to a new address within
10 _____ County,
11 (name)

12 write the new address and your signature on the attached
13 card and mail it postage free.

14 “If the attached card is not signed and returned within
15 30 days of the date shown below, your registration will be
16 canceled and you will be required to reregister before
17 you will again be entitled to vote.

18 “If you are no longer a resident of
19 _____ County,
20 (name)

21 your registration will be canceled and you will be
22 required to register in your new county or state before
23 being entitled to vote.

24 Dated _____”

25
26 (c) The second portion of the postcard, which shall be
27 a postage-prepaid postcard return notice to the county
28 elections official, shall indicate that the voter, under
29 penalty of perjury, continues to reside at the address
30 shown on his or her affidavit of registration and wishes to
31 remain a registered voter or wishes to enter a change of
32 address in the same county in which he or she was
33 registered. The postage-prepaid return notice to the
34 county elections official shall include space for the
35 correction of the address shown on the affidavit of
36 registration and space for the signature of the voter.

37 (d) If, within 30 days after mailing the postcard, the
38 county elections official receives a signed, written notice
39 that a voter has not moved, or has moved within the
40 county, that voter’s affidavit of registration shall still be



1 valid and the county elections official shall make all
2 appropriate corrections.

3 (e) The affidavit of registration of any voter who did
4 not vote at the previous general election and who does
5 not return the postage-prepaid return notice pursuant to
6 subdivision (c) within the prescribed period shall be
7 canceled. The affidavit of registration shall be deemed to
8 be canceled on the 30th day following the date the
9 forwardable postcard notice was mailed to the voter.

10 2233. (a) Before every general election and on
11 election day, the county elections official shall either:

12 (1) Assign a sufficient number of qualified persons in
13 the office of the county elections official to receive and
14 verify claims of erroneous cancellations of affidavits of
15 registration, and cause those affidavits to be immediately
16 reinstated.

17 (2) Supply each polling place with a list of voters in the
18 precinct whose affidavits of registration were canceled
19 pursuant to subdivision (e) of Section 2230.

20 (b) At every election the county elections official shall
21 provide a page in the Roster of Voters for the signature,
22 under oath, attesting to continuous residency in the
23 precinct, of any voter whose affidavit may have been
24 canceled pursuant to subdivision (e) of Section 2230.
25 Canceled affidavits of registration of voters whose
26 signatures appear on that roster page shall be reinstated
27 by the county elections official.

28 SEC. 4. Section 2240 of the Elections Code is amended
29 to read:

30 2240. From moneys appropriated by the Legislature,
31 the Controller shall reimburse counties for additional
32 costs incurred by counties for purging voter registration
33 files pursuant to Article 2 (commencing with Section
34 2220) and Article 2.5 (commencing with Section 2230).

35 SEC. 5. Notwithstanding Section 17610 of the
36 Government Code, if the Commission on State Mandates
37 determines that this act contains costs mandated by the
38 state, reimbursement to local agencies and school
39 districts for those costs shall be made pursuant to Part 7
40 (commencing with Section 17500) of Division 4 of Title



1 2 of the Government Code. If the statewide cost of the
2 claim for reimbursement does not exceed one million
3 dollars (\$1,000,000), reimbursement shall be made from
4 the State Mandates Claims Fund.

5 Notwithstanding Section 17580 of the Government
6 Code, unless otherwise specified, the provisions of this act
7 shall become operative on the same date that the act
8 takes effect pursuant to the California Constitution.

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