

Senate Bill No. 1313

CHAPTER 5

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

[Approved by Governor January 30, 1996. Filed
with Secretary of State January 31, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1313, 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 authorize the mailing of an alternate residency confirmation postcard, as specified, to a voter who has not voted in any election within the preceding 4 years whose residence, address, or party affiliation has not been updated during that time.

This bill would require the county elections official, based on the change-of-address information received indicating the voter has moved to a new address within, or in another county, to correct or cancel the voter's registration or to place the voter's name on an inactive file of voters who do not receive election materials and are

not counted toward the qualification of candidates or measures, among other things.

By revising the procedures for purging voters' names from the voter registration lists, this bill would impose a state-mandated local program.

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.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. Article 2 (commencing with Section 2220) of Chapter 3 of Division 2 of the Elections Code is repealed.

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

Article 2. Residency Confirmation Procedures

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

"We are requesting your assistance in correcting the addresses of voters who have moved and have not reregistered.

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

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

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

2221. (a) Based on the postal notices on the returned residency confirmation postcards received pursuant to Section 2220, the county elections official shall take the following actions:



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

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

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

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

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

2222. In lieu of mailing a residency confirmation postcard, as prescribed in subdivision (a) of Section 2220, the county elections official may contract with the United States Postal Service or its licensees to obtain use of postal service change-of-address data, such as the National Change of Address System (NCOA) and Operation Mail.

2223. (a) In lieu of mailing a residency confirmation postcard to each registered voter in the county, the county elections official may include the return address of the county elections official's office on the outside portion of the sample ballot or sample ballot envelope mailed to the voter at any election conducted within the last six months preceding the start of the confirmation process, along with the statements "Address Correction Requested" and "Notice: If the person named on the sample ballot is not at the address, please help keep the voter rolls current and save taxpayer dollars by returning this sample ballot to your mail carrier."

(b) Any voter not eligible for an election during the last six months preceding the start of the confirmation process, or any voter not mailed a sample ballot with an address correction requested, shall have his or her address confirmed by either a residency confirmation postcard or NCOA/Operation Mail process.

2224. (a) If a voter has not voted in any election within the preceding four years, and his or her residence address, name, or party affiliation had not been updated during that time, the county elections official may send an alternate residency confirmation postcard. The use of this postcard may be sent subsequent to NCOA or sample ballot returns, but shall not be used in the residency confirmation process conducted under Section 2220. The postcard shall be forwardable, including a postage-paid and preaddressed return form to enable the voter to verify or correct the address information, and shall be in substantially the following form:



“If the person named on the postcard is not at this address, PLEASE help keep the voter rolls current and save taxpayer dollars by returning this postcard to your mail carrier.”

“IMPORTANT NOTICE”

“According to our records you have not voted in any election during the past four years, which may indicate that you no longer reside in ____ County. If you continue to reside in this county you must confirm your residency address in order to remain on the active voter list and receive election materials in the mail.”

“If confirmation has not been received within 15 days, you may be required to provide proof of your residence address in order to vote at future elections and, if you do not appear or offer to vote at any election in the period between the date of this notice and the second federal general election after the date of this notice, your voter registration will be cancelled and you will have to reregister in order to vote. If you no longer live in ____ County, you must reregister at your new residence address in order to vote in the next election. California residents may obtain a mail registration form by calling the county elections office of the Secretary of State’s Office.”

(b) The use of a toll-free number to confirm the old residence address is optional. Any change to a voter’s address shall be received in writing.

(c) Any county using the alternate residency confirmation procedure shall notify all voters of the procedure in the sample ballot pamphlet or in a separate mailing. The voter shall be given an opportunity to vote at a statewide primary or general election between the date of notice and the beginning of the alternate residency procedure.

2225. (a) Based on change of address data received from the United States Postal Service or its licensees, the county elections official shall send a forwardable notice, including a postage-paid and preaddressed return form, to enable the voter to verify or correct address information.

Notification received through NCOA or Operation Mail that a voter has moved and has given no forwarding address shall not require the mailing of a forwardable notice to that voter.

(b) If a change of address indicates that the voter has moved to a new residence address in the same county, the forwardable notice shall be in substantially the following form:

“We have received notification that the voter has moved to a new residence address in ____ County. You will be registered to vote at your new address unless you notify our office within 15 days that the address to which this card was mailed is not a change of your permanent residence. You must notify our office by either returning the attached postage-paid postcard, or by calling toll free. If this is not a permanent residence, and if you do not notify us within 15 days, you



may be required to provide proof of your residence address in order to vote at future elections.”

(c) If change of address data indicates that the voter has moved to a new address in another county, the forwardable notice shall be in substantially the following form: “We have received notification that you have moved to a new address not in ____ County. Please use the attached postage-paid postcard to: (1) advise us if this is or is not a permanent change of residence address, or (2) to advise us if our information is incorrect. If you do not return this card within 15 days and continue to reside in ____ County, you may be required to provide proof of your residence address in order to vote at future elections and, if you do not offer to vote at any election in the period between the date of this notice and the second federal general election following this notice, your voter registration will be cancelled and you will have to reregister in order to vote. If you no longer live in ____ County, you must reregister at your new residence address in order to vote in the next election. California residents may obtain a mail registration form by calling the county elections officer or 1-800-345-VOTE.”

(d) If postal service change-of-address data received from a nonforwardable mailing indicates that a voter has moved and left no forwarding address, a forwardable notice shall be sent in substantially the following form:

“We are attempting to verify postal notification that the voter to whom this card is addressed has moved and left no forwarding address. If the person receiving this card is the addressed voter, please confirm your continued residence or provide current residence information on the attached postage-paid postcard within 15 days. If you do not return this card and continue to reside in ____ County, you may be required to provide proof of your residence address in order to vote at future elections and, if you do not offer to vote at any election in the period between the date of this notice and the second federal general election following this notice, your voter registration will be cancelled and you will have to reregister in order to vote. If you no longer live in ____ County, you must reregister at your new residence address in order to vote in the next election. California residents may obtain a mail registration form by calling the county elections office or the Secretary of State’s Office.”

(e) The use of a toll-free number to confirm the old residence address is optional. Any change to the voter address must be received in writing.

2226. (a) Based on change-of-address information received pursuant to Sections 2220 to 2225, inclusive, or change-of-address information provided directly by the voter, the county elections official shall take the following actions as appropriate:



(1) If the information indicates the voter has moved to a new address within the same county, the county elections official shall update and correct the voter's registration.

(2) If the information indicates the voter has moved to a new address in another county, if the mailings have been returned as undeliverable, or if the voter fails to confirm his or her address as required by Section 2224, the county elections official may place the voter's name on the inactive file of registered voters who do not receive election materials and are not included in calculations to determine the number of signatures required for qualification of candidates and measures, precinct size, or other election administration related processes.

(3) If the voter verifies in writing that he or she has moved to a residence address in another county, the county elections official shall cancel the voter registration in the county from which the voter has moved.

(b) The voter registration of any voter whose name has been placed on the inactive file of registered voters for failure to respond to a confirmation mailing as required by Section 2224 or an address verification mailing required by Section 2225, and who does not offer to vote or vote at any election between the date of the mailing and two federal general elections after the date of that mailing, may be cancelled.

(c) Any voter whose name has been placed on the inactive file of registered voters and offers to vote at any election between the date of the verification notice, and two federal general elections after the date of notice, or who notifies the elections official of a continued residency, shall be removed from the inactive file and placed on the active voter file.

(d) All address corrections, cancellations, and inactive transactions made to the voter registration file pursuant to this section shall be reflected on the voter index as required by Section 2191.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act provides for offsetting savings to local agencies or school districts that result in no net costs to the local agencies or school districts, within the meaning of Section 17556 of the Government Code.

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

