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SB-1171 Electors: conditional voter registration. (2017-2018)

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Senate Bill No. 1171

CHAPTER 113

An act to amend Sections 321 and 2162 of, and to add Section 2160 to, the Elections Code, relating to elections.

[Approved by Governor July 16, 2018. Filed with Secretary of State July 16, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1171, Stern. Electors: conditional voter registration.

(1) Existing law authorizes an elector who complies with specified provisions governing the registration of electors to vote at an election held within the territory within which he or she resides and the election is held. Existing law defines "elector" to mean a person who is a United States citizen 18 years of age or older and, except as specified, is a resident of an election precinct at least 15 days before an election.

Existing law prohibits an elector from being registered as a voter except by affidavit of registration received by the county elections official on or before the 15th day before an election. However, existing law authorizes a person who is otherwise qualified to register to vote to complete a conditional voter registration and cast a provisional ballot during the 14 days immediately preceding an election or on election day.

This bill would revise the definition of "elector" by deleting the 15-day requirement, thereby including a person who is eligible to complete a conditional voter registration within the definition of "elector."

(2) Existing law establishes the procedures for determining whether a conditional voter registration is deemed effective. Existing law requires that a voted provisional ballot be sealed in a provisional ballot envelope, which is substantially similar to, and completed in the same manner as, an envelope used for a vote by mail ballot.

This bill would authorize a county elections official to use a provisional ballot envelope as an affidavit of registration, as specified.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 321 of the Elections Code is amended to read:

321. (a) "Elector" means a person who is a United States citizen 18 years of age or older and, except as specified in subdivision (b), is a resident of an election precinct in this state on or before the day of an election.

(b) "Elector" also means a person described in paragraph (2) of subdivision (b) of Section 300, who, except for the residence requirement specified in subdivision (a), is eligible to vote in this state and meets either of the following conditions:

(1) He or she was a resident of this state when he or she was last living within the territorial limits of the United States or the District of Columbia.

(2) He or she was born outside of the United States or the District of Columbia, his or her parent or legal guardian was a resident of this state when the parent or legal guardian was last living within the territorial limits of the United States or the District of Columbia, and he or she has not previously registered to vote in any other state.

(c) Each person qualifying as an elector under subdivision (b) shall be deemed to be a resident of this state for purposes of this code and Section 2 of Article II of the California Constitution.

SEC. 2. Section 2160 is added to the Elections Code, to read:

2160. (a) A county elections official may use a provisional ballot envelope as an affidavit of registration.

(b) A county elections official who intends to use a provisional ballot envelope as an affidavit of registration shall do all of the following:

(1) Provide a provisional ballot envelope that sets forth facts necessary to establish the voter as an elector and that contains all of the information required by Sections 2150 and 2151.

(2) Print an affidavit number on the provisional ballot envelope.

(3) Provide notice to the Secretary of State no later than the 15th day before any election that provisional ballot envelopes will be used as affidavits of registration in that election.

SEC. 3. Section 2162 of the Elections Code is amended to read:

2162. (a) No affidavits of registration other than those provided by the Secretary of State to the county elections officials, provisional ballot envelopes that comply with Section 2160, or the national voter registration forms authorized pursuant to the federal National Voter Registration Act of 1993 (52 U.S.C. Sec. 20501 et seq.) shall be used for the registration of voters.

(b) A voter registration card shall not be altered, defaced, or changed in any way, other than by the insertion of a mailing address and the affixing of postage, if mailed, or as otherwise specifically authorized by the Secretary of State, before distribution of the cards.

(c) The affidavit portion of a voter registration card shall not be marked, stamped, or partially or fully completed by a person other than an elector attempting to register to vote or by a person assisting the elector in completing the affidavit at the request of the elector.