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AB-504 Voter registration: residency confirmation. (2019-2020)

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Assembly Bill No. 504

CHAPTER 262

An act to amend Sections 2220, 2221, 2222, 2225, and 2227 of, to amend and repeal Section 2224 of, and to amend, repeal, and add Section 2226 of, the Elections Code, relating to elections.

[Approved by Governor September 06, 2019. Filed with Secretary of State September 06, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 504, Berman. Voter registration: residency confirmation.

(1) Existing law requires a county elections official to conduct a preelection residency confirmation procedure before a primary election by mailing a nonforwardable postcard to each registered voter of the county. However, existing law authorizes the county elections official to exclude from this residency confirmation procedure a voter who has voted at an election held within the last six months preceding the start of the procedure, or a person who has preregistered but will not be 18 years of age on or before the date of the primary election.

This bill would authorize a county elections official to exclude from this residency confirmation procedure a voter who has confirmed the voter's voter registration record on the internet website of the Secretary of State within the year preceding the start of the confirmation procedure. This provision would become operative on the date that the Secretary of State certifies that the state's statewide voter registration database has been modified to notify county elections officials when a voter confirms the voter's registration record on the internet website of the Secretary of State.

(2) Existing law authorizes a county elections official, in lieu of mailing a residency confirmation postcard, to contract with the United States Postal Service or its licensees to obtain use of postal service change-of-address data.

This bill would extend this contracting authority to the Secretary of State, and would require the Secretary of State to share this data with county elections officials through the statewide voter registration database.

(3) Based on the change-of-address data received from the United States Postal Service or its licensees, existing law requires a county elections official to send a forwardable notice to enable a voter to verify or correct address information. If the change-of-address data indicates that the voter has moved to a new address in California, the forwardable notice must notify the voter that the voter will be registered to vote at the new address unless the voter notifies the county elections official's office within 15 days that the new address is not the voter's permanent residence. If postal service change-of-address data received from a nonforwardable mailing indicates that a voter has moved and left no forwarding address, the forwardable notice must be sent, in substantially the form prescribed, to attempt to verify that the voter has moved and left no forwarding address. Existing law does not require the county elections official to mail a forwardable notice to a voter if the official receives a notification through the National Change of Address System (NCOA) or Operation Mail that the voter has moved and has given no forwarding address.

This bill would change that 15-day response time for a voter to notify the county elections official's office to 15 days prior to the date of the next election and would revise the form of the forwardable notice. The bill would require that the form of forwardable notice sent to a voter who has moved and left no forwarding address be in substantially the same format prescribed by federal law. The bill would expand the latter forwardable notice requirement to include a voter who has moved out of the state. The bill would delete the exception described above and, instead, would require the county elections official to send a forwardable notice, in substantially the same format prescribed by federal law, to a voter for whom a notification was received through NCOA or Operation Mail indicating that the voter has moved and has given no forwarding address or has moved out of the state. By imposing new duties on county elections officials, the bill would impose a state-mandated local program.

(4) Existing law authorizes a county elections official to send an alternate residency confirmation postcard to a voter who has not voted in an election within the preceding four years and whose residence address, name, or party preference has not been updated during that time. If the voter fails to confirm the voter's address as directed in the alternate residency confirmation postcard, the county elections official may place the voter's name on the inactive file of registered voters.

This bill would make the former provision inoperative on January 1, 2020, and would repeal it as of January 1, 2029.

The bill would require the county elections official to send a forwardable address verification mailing to a voter whose registration status is inactive based on the voter's failure to confirm the voter's address as required by the alternate residency confirmation postcard. The bill would require the cancellation of the voter registration record of a voter who fails to respond to the address verification mailing and who does not offer to vote or vote at an election between the date of the mailing and two federal general elections after that date. By imposing new duties on county elections officials, the bill would impose a state-mandated local program.

(5) The bill would make other clarifying and nonsubstantive changes.

(6) 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, 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 the statutory provisions noted above.

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

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

SECTION 1. Section 2220 of the Elections Code is amended to read:

2220. (a) The county elections official shall conduct a preelection residency confirmation procedure as provided in this article. This procedure shall be completed by the 90th day immediately before 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 the county elections official's discretion, shall not be required to mail a residency confirmation postcard pursuant to subdivision (a) to any of the following:

(1) A voter who has voted at an election held within the last six months preceding the start of the confirmation procedure.

(2) A voter who has confirmed the voter's voter registration records on the internet website of the Secretary of State within the last year preceding the start of the confirmation procedure.

(3) A person under 18 years of age who has submitted a properly executed affidavit of registration pursuant to subdivision (d) of Section 2102 and who will not be 18 years of age on or before the primary election.

SEC. 2. Section 2221 of the Elections Code is amended to read:

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 voter registration status of a voter whose residency confirmation postcard is returned by the post office as undeliverable and who has no forwarding address shall be updated by the county elections official to inactive pursuant to paragraph (2) of subdivision (a) of Section 2226, and the voter shall be mailed a confirmation notice, as described in subdivision (c) of Section 2225.

(2) The voter registration record of a voter for whom a forwarding address within the county or outside the county is received shall be immediately updated by the county elections official to reflect the new address provided by the post office, the former address shall be maintained with the voter registration record, and the voter shall be mailed a confirmation notice, as described in subdivision (b) of Section 2225.

(b) All updates to a voter's registration record made pursuant to this section shall be reflected on the voter list as required by Section 2191.

SEC. 3. Section 2222 of the Elections Code is amended to read:

2222. In lieu of mailing a residency confirmation postcard, as prescribed in subdivision (a) of Section 2220, the Secretary of State or a 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. The data received by the Secretary of State pursuant to this section shall be shared with county elections officials through the statewide voter registration database.

SEC. 4. Section 2224 of the Elections Code is amended to read:

2224. (a) If a voter has not voted in an election within the preceding four years, and the voter's residence address, name, or party preference has 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 county voter information guide 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 California 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."

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

(c) A county using the alternate residency confirmation procedure shall notify all voters of the procedure in the county voter information guide or in a separate mailing.

(d) This section shall become inoperative on January 1, 2020, and, as of January 1, 2029, is repealed.

SEC. 5. Section 2225 of the Elections Code is amended to read:

2225. (a) (1) 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.

(2) If notification received through NCOA or Operation Mail or a returned mailing indicates that a voter has moved and has given no forwarding address or indicates that a voter has moved out of the state, the county elections official shall send a forwardable notice in substantially the same format as the notice set forth in paragraph (2) of subsection (d) of Section 20507 of Title 52 of the United States Code.

(b) If postal service change-of-address data indicates that the voter has moved to a new residence address in California, the forwardable notice shall be in substantially the following form:

"We have received notification that you have moved to a new residence address in California. Your voter registration record has been updated to this new address. If this is correct, you do not have to take any action. If this is incorrect, you can notify our office by either returning the attached postage-paid postcard, or by calling toll free; you must notify us at least 15 days prior to the next election or you may be required to vote using a provisional ballot."

(c) If postal service change-of-address data received from a nonforwardable mailing indicates that a voter has moved and left no forwarding address or indicates that a voter has moved out of the state, a forwardable notice shall be sent in substantially the same format as the notice set forth in paragraph (2) of subsection (d) of Section 20507 of Title 52 of the United States Code.

(d) 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.

(e) Upon the mailing of the forwardable address confirmation notice described in subdivision (b) to a voter, the county elections official shall not update the status of the voter's registration to inactive.

(f) Upon the mailing of the forwardable address confirmation notice described in subdivision (c) to a voter, the county elections official shall update the status of the voter's registration to inactive.

SEC. 6. Section 2226 of the Elections Code is amended to read:

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 residence address in California, the county elections official shall immediately update the voter's registration record.

(2) If the mailings have been returned as undeliverable, or if NCOA, Operation Mail, a returned mailing, or postal service change-of-address data received from a nonforwardable mailing indicates that the voter has moved and left no forwarding address, or if any of these sources indicate that a voter has moved out of the state, the county elections official shall update the status of the voter's registration to inactive. Voters with an inactive voter registration status 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 a voter's registration status is inactive based on the voter's failure to confirm the voter's address pursuant to Section 2224, the county elections official shall send a forwardable address verification mailing, as set forth in subdivision (c) of Section 2225. The voter registration record of a voter who fails to respond to the address verification mailing, and who does not offer to vote or vote at any election between the date of the mailing described in Section 2225 and two federal general elections after the date of that mailing, shall be canceled.

(b) The voter registration record of a voter whose status is inactive for failure to respond to an address verification mailing required by subdivision (c) of 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, shall be canceled.

(c) A voter who has a registration status of inactive, who offers to vote at any election between the date of the verification mailing required by subdivision (c) of Section 2225 and two federal general elections after the date of that mailing, or who notifies the elections official of a continued residency, shall have the voter's voter registration status updated to active.

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

(e) This section shall remain in effect only until the date that the Secretary of State certifies that the state's statewide voter registration database, which was developed in compliance with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), has been modified to notify county elections officials when a voter confirms the voter's registration record on the Secretary of State's internet website, and as of that date is repealed.

SEC. 7. Section 2226 is added to the Elections Code, to read:

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 residence address in California, the county elections official shall immediately update the voter's registration record.

(2) If the mailings have been returned as undeliverable, or if NCOA, Operation Mail, a returned mailing, or postal service change-of-address data received from a nonforwardable mailing indicates that the voter has moved and left no forwarding address, or if any of these sources indicate that a voter has moved out of the state, the county elections official shall update the status of the voter's registration to inactive. Voters with an inactive voter registration status 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 a voter's registration status is inactive based on the voter's failure to confirm the voter's address pursuant to Section 2224, the county elections official shall send a forwardable address verification mailing, as set forth in subdivision (c) of Section 2225. However, the county elections official shall not send this mailing to a voter who has confirmed the voter's voter registration record on the internet website of the Secretary of State within a year from the date of the mailing. The voter registration record of a voter who fails to respond to the address verification mailing, and who does not offer to vote or vote at any election between the date of the mailing described in Section 2225 and two federal general elections after the date of that mailing, shall be canceled.

(b) The voter registration record of a voter whose status is inactive for failure to respond to an address verification mailing required by subdivision (c) of 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, shall be canceled.

(c) A voter who has a registration status of inactive, who offers to vote at any election between the date of the verification mailing required by subdivision (c) of Section 2225 and two federal general elections after the date of that mailing, who notifies the elections official of a continued residency, or who has confirmed the voter's voter registration record on the internet website of the Secretary of State, shall have the voter's voter registration status updated to active.

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

SEC. 8. Section 2227 of the Elections Code is amended to read:

2227. (a) In lieu of mailing a residency confirmation postcard, as prescribed in subdivision (a) of Section 2220, the county elections official may contract with a consumer credit reporting agency or its licensees to obtain use of change-of-address data in accordance with this section.

(b) If the county elections official contracts with a consumer credit reporting agency or its licensees pursuant to subdivision (a), all of the following shall occur:

(1) For each registered voter in the county, the county elections official shall initiate a search for change-of-address data with the consumer credit reporting agency or its licensees by providing the name and residence address of each registered voter in the county to the consumer credit reporting agency or its licensees.

(2) The consumer credit reporting agency or its licensees shall search their databases for each name and address provided by the county elections official and shall report to the county elections official any information indicating that the registered voter changed the voter's residence address.

(c) (1) Notwithstanding Section 2194 of this code or Section 6254.4 of the Government Code, and except as provided in paragraph (2), a county elections official may disclose a registered voter's name and residence address to a consumer credit reporting agency or its licensees pursuant to, and in accordance with, this section.

(2) A county elections official shall not disclose to a consumer credit reporting agency or its licensees the name and residence address of a registered voter if that information is deemed confidential pursuant to Section 2166, 2166.5, or 2166.7 of this code, or Chapter 3.1 (commencing with Section 6205) of Division 7 of Title 1 of the Government Code.

(d) A consumer credit reporting agency or its licensees shall use the information provided by a county elections official only pursuant to paragraph (2) of subdivision (b), and shall not retain any information received from the county elections official pursuant to this section.

(e) Based on change-of-address data received from a consumer credit reporting agency or its licensees, the county elections official shall send a forwardable notice, including a postage-paid and preaddressed return form, which may be in the form of a postcard, to the registered voter to enable the voter to verify or correct address information. The forwardable notice shall be in substantially the following form:

"We have received notification that you have moved to a new residence address in ____ County. You will remain registered to vote at your old address unless you notify our office that the address to which this card was mailed is a change of your permanent residence. Please notify our office in writing by returning the attached postage-paid postcard. If this is not a permanent residence, and you do not wish to change your address for voting purposes, please disregard this notice."

(f) The county elections official shall take all of the following actions as appropriate:

(1) If a voter responds to the forwardable notice sent pursuant to subdivision (e) or otherwise verifies in a signed writing that the voter has moved to a new residence address in California, the county elections official shall verify the signature on the response by comparing it to the signature on file for the voter and, if appropriate, immediately update the voter's registration record with the new residence address.

(2) If a voter does not respond to the forwardable notice sent pursuant to subdivision (e) and does not otherwise verify in a signed writing that the voter has moved to a new residence address, the elections official shall not update the status of the voter's registration to inactive or cancel the voter registration.

(g) For purposes of this section, "consumer credit reporting agency" has the same meaning as set forth in subdivision (d) of Section 1785.3 of the Civil Code.

SEC. 9. Sections 1 and 7 of this act shall become operative on the date that the Secretary of State certifies that the state's statewide voter registration database, which was developed in compliance with the requirements of the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.), has been modified to notify county elections officials when a voter confirms the voter's registration record on the Secretary of State's internet website.

SEC. 10. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.