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AB-646 Elections: voter eligibility. (2019-2020)

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Assembly Bill No. 646

CHAPTER 320

An act to amend Sections 2101, 2105.6, 2105.7, 2106, 2150, 2201, 2212, 2300, and 14240 of the Elections Code, relating to elections.

[Approved by Governor September 30, 2020. Filed with Secretary of State September 30, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 646, McCarty. Elections: voter eligibility.

Existing law prohibits a person who is on parole for the conviction of a felony from voting, registering to vote, or preregistering to vote.

This bill would remove those prohibitions, thereby allowing a person on parole to preregister, register, and vote and make other technical and conforming changes.

This bill would become operative only if ACA 6 of the 2019–20 Regular Session is approved by the voters.

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

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

SECTION 1. Section 2101 of the Elections Code is amended to read:

2101. (a) A person entitled to register to vote shall be a United States citizen, a resident of California, not imprisoned for the conviction of a felony, and at least 18 years of age at the time of the next election.

(b) A person entitled to preregister to vote in an election shall be a United States citizen, a resident of California, not imprisoned for the conviction of a felony, and at least 16 years of age.

(c) For purposes of this section, the following definitions apply:

(1) "Imprisoned" means currently serving a state or federal prison term.

(2) "Conviction" does not include a juvenile adjudication made pursuant to Section 203 of the Welfare and Institutions Code.

SEC. 2. Section 2105.6 of the Elections Code is amended to read:

2105.6. (a) The Department of Corrections and Rehabilitation shall provide each person on parole under its jurisdiction, upon that person's request made at any time during the parole, information provided by the Secretary of State regarding voting rights for

persons with a criminal history.

(b) Each county probation department is encouraged to notify persons that a printed version of information regarding voting rights for persons with a criminal history who are under the department's supervision is available upon request.

(c) Each county probation department shall provide each person under the department's supervision, upon the person's request, information provided by the Secretary of State regarding voting rights for persons with a criminal history.

SEC. 3. Section 2105.7 of the Elections Code is amended to read:

2105.7. (a) A state or local juvenile detention facility, including, but not limited to, a juvenile hall, juvenile ranch, juvenile camp, or a facility of the Department of Corrections and Rehabilitation, Division of Juvenile Justice, shall do all of the following:

(1) Identify each individual housed in the facility who is of age to register to vote and not in prison for the conviction of a felony.

(2) Provide an affidavit of registration to each individual housed in the facility who is of age to register to vote and not in prison for the conviction of a felony by doing either of the following:

(A) Providing the individual a paper affidavit of registration.

(B) Directing the individual to an affidavit of registration provided on the internet website of the Secretary of State.

(3) Assist each individual housed in the facility who is of age to register to vote and not in prison for the conviction of a felony with the completion of the affidavit of registration, unless the individual declines assistance.

(b) A facility providing paper affidavits of registration pursuant to subdivision (a) shall do either of the following:

(1) Assist the individual who completed the voter registration card in returning the completed card to the county elections official.

(2) Accept any completed voter registration card and transmit the card to the county elections official.

SEC. 4. Section 2106 of the Elections Code is amended to read:

2106. A program adopted by a county pursuant to Section 2103 or 2105, that is designed to encourage the registration of electors, shall contain the following statement in printed literature or media announcements made in connection with the program: "A person entitled to register to vote must be a United States citizen, a resident of California, not currently imprisoned in a state or federal prison for the conviction of a felony, and at least 18 years of age at the time of the election. A person may preregister to vote if that person is a United States citizen, a resident of California, not currently imprisoned in a state or federal prison for the conviction of a felony, and at least 16 years of age." A county elections official may continue to use existing materials before printing new or revised materials required by any changes to this section.

SEC. 5. Section 2150 of the Elections Code is amended to read:

2150. (a) The affidavit of registration shall show:

(1) The facts necessary to establish the affiant as an elector.

(2) The affiant's name at length, including the person's given name, and a middle name or initial, or if the initial of the given name is customarily used, then the initial and middle name. The affiant's given name may be preceded, at the affiant's option, by the designation of "Miss," "Ms.," "Mrs.," or "Mr." A person shall not be denied the right to register because of that person's failure to mark a prefix to the given name and shall be so advised on the voter registration card. This subdivision shall not be construed as requiring the printing of prefixes on an affidavit of registration.

(3) The affiant's place of residence, residence telephone number, if furnished, and email address, if furnished. A person shall not be denied the right to register because of the person's failure to furnish a telephone number or email address, and shall be so advised on the voter registration card.

(4) The affiant's mailing address, if different from the place of residence.

(5) The affiant's date of birth to establish that the affiant will be at least 18 years of age on or before the date of the next election. In the case of an affidavit of registration submitted pursuant to subdivision (d) of Section 2102, the affiant's date of birth to establish that the affiant is at least 16 years of age.

(6) The state or country of the affiant's birth.

(7) (A) In the case of an affiant who has been issued a current and valid driver's license, the affiant's driver's license number.

(B) In the case of any other affiant, other than an affiant to whom subparagraph (C) applies, the last four digits of the affiant's social security number.

(C) If a voter registration affiant has not been issued a current and valid driver's license or a social security number, the state shall assign the affiant a number that will serve to identify the affiant for voter registration purposes. If the state has a computerized list in effect under this paragraph and the list assigns unique identifying numbers to registrants, the number assigned under this subparagraph shall be the unique identifying number assigned under the list.

(8) The affiant's political party preference.

(9) That the affiant is currently not imprisoned for the conviction of a felony.

(10) A prior registration portion indicating whether the affiant has been registered at another address, under another name, or as preferring another party. If the affiant has been so registered, the affiant shall give an additional statement giving that address, name, or party.

(b) The affiant shall certify the content of the affidavit of registration as to its truthfulness and correctness, under penalty of perjury, with the signature of the affiant's name and the date of signing. If the affiant is unable to write, the affiant shall sign with a mark or cross. An affiant who is an individual with a disability may complete the affidavit with reasonable accommodations as needed.

(c) The affidavit of registration shall also contain a space that would enable the affiant to state the affiant's ethnicity or race, or both. An affiant shall not be denied the ability to register because the affiant declines to state the affiant's ethnicity or race.

(d) If a person assists the affiant in completing the affidavit of registration, that person shall sign and date the affidavit below the signature of the affiant.

(e) The affidavit of registration shall also contain a space to permit the affiant to apply for permanent vote by mail status.

(f) The Secretary of State may continue to supply existing affidavits of registration to county elections officials before printing new or revised forms that reflect the changes made to this section by Chapter 508 of the Statutes of 2007.

SEC. 6. Section 2201 of the Elections Code is amended to read:

2201. (a) The county elections official shall cancel the registration in the following cases:

(1) At the signed, written request of the person registered.

(2) When the mental incompetency of the person registered is legally established as provided in Sections 2208, 2209, 2210, and 2211.

(3) Upon proof that the person is presently imprisoned for conviction of a felony.

(4) Upon the production of a certified copy of a judgment directing the cancellation to be made.

(5) Upon the death of the person registered.

(6) Pursuant to Article 2 (commencing with Section 2220).

(7) Upon official notification that the voter is registered to vote in another state.

(8) Upon proof that the person is otherwise ineligible to vote.

(b) The Secretary of State may cancel the registration in the following cases:

(1) When the mental incompetency of the person registered is legally established as provided in Sections 2208, 2209, 2210, and 2211.

(2) Upon proof that the person is presently imprisoned for the conviction of a felony.

(3) Upon the death of the person registered.

SEC. 7. Section 2212 of the Elections Code is amended to read:

2212. The clerk of the superior court of each county, on the basis of the records of the court, shall furnish to the Secretary of State and the county elections official in the format prescribed by the Secretary of State, not less frequently than the first day of every month, a statement showing the names, addresses, and dates of birth of all persons who have been committed to state prison as the result of a felony conviction since the clerk's last report. The Secretary of State or county elections official shall cancel the affidavits of registration of those persons who are currently imprisoned for the conviction of a felony. The clerk shall certify the statement under the seal of the court.

SEC. 8. Section 2300 of the Elections Code is amended to read:

2300. (a) All voters, pursuant to the California Constitution and this code, shall be citizens of the United States. There shall be a Voter Bill of Rights for voters, available to the public, which shall convey all of the following to voters:

(1) (A) You have the right to cast a ballot if you are a valid registered voter.

(B) A valid registered voter means a United States citizen who is a resident in this state, who is at least 18 years of age and not serving a state or federal prison term for conviction of a felony, and who is registered to vote at their current residence address.

(2) You have the right to cast a provisional ballot if your name is not listed on the voting rolls.

(3) You have the right to cast a ballot if you are present and in line at the polling place before the close of the polls.

(4) You have the right to cast a secret ballot free from intimidation.

(5) (A) You have the right to receive a new ballot if, before casting your ballot, you believe you made a mistake.

(B) If at any time before you finally cast your ballot, you feel you have made a mistake, you have the right to exchange the spoiled ballot for a new ballot. Vote by mail voters may also request and receive a new ballot if they return their spoiled ballot to an elections official before the closing of the polls.

(6) You have the right to receive assistance in casting your ballot, if you are unable to vote without assistance.

(7) You have the right to return a completed vote by mail ballot to any precinct in the county.

(8) You have the right to election materials in another language, if there are sufficient residents in your precinct to warrant production.

(9) (A) You have the right to ask questions about election procedures and observe the election process.

(B) You have the right to ask questions of the precinct board and elections officials regarding election procedures and to receive an answer or be directed to the appropriate official for an answer. However, if persistent questioning disrupts the execution of their duties, the precinct board or elections officials may discontinue responding to questions.

(10) You have the right to report any illegal or fraudulent activity to a local elections official or to the Secretary of State's office.

(b) Beneath the Voter Bill of Rights there shall be listed a toll-free telephone number to call if a person has been denied a voting right or to report election fraud or misconduct.

(c) The Secretary of State may do both of the following:

(1) Develop regulations to implement and clarify the Voter Bill of Rights set forth in subdivision (a).

(2) Revise the wording of the Voter Bill of Rights as necessary to ensure the use of clear and concise language free from technical terms.

(d) The Voter Bill of Rights set forth in subdivisions (a) and (b) shall be made available to the public before each election and on election day, at a minimum, as follows:

(1) The Voter Bill of Rights shall be printed in the state voter information guide, pursuant to Section 9084, in a minimum of 12-point type. Subparagraph (B) of paragraph (1) of subdivision (a), subparagraph (B) of paragraph (5) of subdivision (a), and subparagraph (B) of paragraph (9) of subdivision (a) may be printed in a smaller point type than the rest of the Voter Bill of Rights.

(2) Posters or other printed materials containing the Voter Bill of Rights shall be included in precinct supplies pursuant to Section 14105.

SEC. 9. Section 14240 of the Elections Code is amended to read:

14240. (a) A person offering to vote may be orally challenged within the polling place only by a member of the precinct board upon any or all of the following grounds:

- (1) That the voter is not the person whose name appears on the roster.
- (2) That the voter is not a resident of the precinct, or in an election conducted using a voter center, not a resident of the county.
- (3) That the voter is not a citizen of the United States.
- (4) That the voter has voted in that election.

(b) A person, other than a member of a precinct board or other official responsible for the conduct of the election, shall not challenge or question any voter concerning the voter's qualifications to vote.

(c) If any member of a precinct board receives, by mail or otherwise, any document or list concerning the residence or other voting qualifications of any person or persons, with the express or implied suggestion, request, or demand that the person or persons be challenged, the board member shall first determine whether the document or list contains or is accompanied by evidence constituting probable cause to justify or substantiate a challenge. In any case, before making any use whatever of such a list or document, the member of the precinct board shall immediately contact the elections official, charged with the duty of conducting the election, and describe the contents of the document or list and the evidence, if any, received bearing on voting qualifications. The elections official shall advise the members of the precinct board as to the sufficiency of probable cause for instituting and substantiating the challenge and as to the law as herein provided, relating to hearings and procedures for challenges by members of the precinct board and determination thereof by a precinct board. The elections official may, if necessary, designate a deputy to receive and answer inquiries from precinct board members as herein provided.

SEC. 10. This act shall become operative only if ACA 6 of the 2019–20 Regular Session is approved by the voters.