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SB-207 Elections: voter registration: partisan primary elections. (2019-2020)

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Senate Bill No. 207

CHAPTER 1

An act to amend Section 2152 of, and to add Section 2119.5 to, the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 13, 2020. Filed with Secretary of State February 13, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 207, Hurtado. Elections: voter registration: partisan primary elections.

Existing law requires a county elections official to accept affidavits of registration received on or before the 15th day before an election and to accept conditional voter registration affidavits received during the 14 days immediately preceding an election and on election day. Existing law establishes procedures for a voter to change the voter's residence address by executing a new affidavit of registration or a notice or letter of the change of address, or for a voter to change the voter's political party preference by executing a new affidavit of registration.

This bill would permit a voter, from the 14th day immediately preceding an election until the close of polls on election day, in lieu of executing a new affidavit of registration, to change the voter's residence address or political party preference by submitting to the voter's county elections official a written request containing the new residence address or political party preference and signed under penalty of perjury. The bill would require a ballot or provisional ballot to be provided to the voter, as specified, and would require that the registration of the voter be immediately updated.

By imposing additional duties on local elections officials and expanding the scope of crimes, 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

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

SECTION 1. Section 2119.5 is added to the Elections Code, to read:

2119.5. (a) From the 14th day immediately preceding an election until the close of polls on election day, in lieu of executing a new affidavit of registration for a change of address within the same county, the county elections official shall accept a written request by a voter that contains all of the following:

- (1) The voter's printed name.
- (2) The voter's former residence address.
- (3) The voter's new residence address.
- (4) A certification by the voter of the content of the written request as to its truthfulness and correctness, under penalty of perjury.
- (5) The voter's signature and date of execution.

(b) The written request shall be delivered to the county elections official's office or to any location that offers conditional voter registration and at which a ballot can be issued. Following delivery to such a location, the county elections official shall issue a ballot in accordance with the following:

(1) A nonprovisional ballot shall be issued to the voter if either of the following applies:

(A) The voter appears at the voter's precinct, the voter's name is found on the roster, and the voter either has not been issued a vote by mail ballot or the conditions set forth in subdivision (a) of Section 3015 are satisfied.

(B) The voter appears at a location that is equipped with an electronic poll book or other means to determine the voter's precinct, the location can provide the voter with a ballot for the voter's precinct, the entire county has established connectivity between locations, and the location at which the voter appears verifies that the voter has not cast a ballot at another location for the election and notes in the voter's record that the voter cast a ballot.

(2) A provisional ballot shall be issued to the voter if either of the following applies:

(A) The voter appears at the voter's precinct, the voter's name is found on the roster, the voter has been issued a vote by mail ballot, and the conditions set forth in subdivision (a) of Section 3015 are not satisfied.

(B) The voter appears at a location, other than the voter's precinct, that is equipped with an electronic poll book or other means to determine the voter's precinct, but the entire county has not established connectivity between locations such that the location is unable to verify that the voter has not cast a ballot at another location for the election.

(c) Upon receipt of a properly executed written request described in subdivision (a), the registration of the voter shall be immediately updated and the written request shall be maintained with the voter's record.

SEC. 2. Section 2152 of the Elections Code is amended to read:

2152. (a) Whenever any voter has declined to disclose or has changed the voter's party preference prior to the close of registration for an election, the voter may either so disclose or have a change recorded by executing a new affidavit of registration and completing the prior registration portion of the affidavit.

(b) From the 14th day immediately preceding an election until the close of polls on election day, in lieu of executing a new affidavit of registration to disclose or have a change recorded for a voter's political party preference, the county elections official shall accept a written request by a voter that discloses or changes the voter's political party preference and that contains all of the following:

- (1) The voter's printed name.
- (2) The voter's current residence address.
- (3) The voter's new political party preference.
- (4) A certification by the voter of the content of the written request as to its truthfulness and correctness, under penalty of perjury.
- (5) The voter's signature and date of execution.

(c) The written request shall be delivered to the county elections official's office or to any location that offers conditional voter registration and at which a ballot for the political party for which the voter disclosed a preference can be issued. Following delivery to such a location, the county elections official shall issue a ballot in accordance with the following:

(1) A nonprovisional ballot shall be issued to the voter if either of the following applies:

(A) The voter appears at the voter's precinct, the voter's name is found on the roster, and the voter either has not been issued a vote by mail ballot or the conditions set forth in subdivision (a) of Section 3015 are satisfied.

(B) The voter appears at a location that is equipped with an electronic poll book or other means to determine the voter's precinct, the location can provide the voter with a ballot for the voter's precinct, the entire county has established connectivity between locations, and the location at which the voter appears verifies that the voter has not cast a ballot at another location for the election and notes in the voter's record that the voter cast a ballot.

(2) A provisional ballot shall be issued to the voter if either of the following applies:

(A) The voter appears at the voter's precinct, the voter's name is found on the roster, the voter has been issued a vote by mail ballot, and the conditions set forth in subdivision (a) of Section 3015 are not satisfied.

(B) The voter appears at a location, other than the voter's precinct, that is equipped with an electronic poll book or other means to determine the voter's precinct, but the entire county has not established connectivity between locations such that the location is unable to verify that the voter has not cast a ballot at another location for the election.

(d) Upon receipt of a properly executed written request described in subdivision (b), the registration of the voter shall be immediately updated and the written request shall be maintained with the voter's record.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other 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.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that the procedures and protections afforded by this act will be implemented for the 2020 presidential primary election, it is necessary for this act to take effect immediately.