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AB-1040 Elections: residency: displacement by natural disaster. (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 1040

Introduced by Assembly Member Essayli

February 20, 2025

An act to amend Section 2021 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1040, as introduced, Essayli. Elections: residency: displacement by natural disaster.

Existing law defines “residence” for voting purposes as a person’s domicile. Existing law describes the domicile of a person for voting purposes as that place in which their habitation is fixed, wherein the person has the intention of remaining, and to which, whenever they are absent, the person has the intention of returning. Existing law provides that a person who leaves their home to go into another state or precinct in this state for temporary purposes, with the intention of returning, does not lose their domicile.

This bill would additionally provide that a person who leaves their home for temporary purposes because of a natural disaster, and who intends to return to that home or to another address within the same jurisdiction, does not lose their domicile at that home.

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

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

SECTION 1. Section 2021 of the Elections Code is amended to read:

2021. (a) A person who leaves ~~his or her~~ *the person's* home to go into another state or precinct in this state for temporary purposes merely, with the intention of returning, does not lose ~~his or her~~ *the person's* domicile.

(b) A person does not gain a domicile in any precinct into which ~~he or she~~ *the person* comes for temporary purposes merely, without the intention of making that precinct ~~his or her~~ *the person's* home.

(c) A person who leaves their home for temporary purposes because of a natural disaster, and who intends to return to that home or to another address within the same jurisdiction, does not lose their domicile at that home. The person may provide a temporary mailing address without losing their domicile at that home.

