

AMENDED IN ASSEMBLY MAY 23, 2008

AMENDED IN ASSEMBLY APRIL 1, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1819**

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**Introduced by Assembly Member Price**

**(Principal coauthor: Assembly Member Mullin)**

**(Coauthors: Assembly Members Bass, Brownley, Carter, Davis,  
Huffman, and Swanson)**

(Coauthors: Senators Cedillo, Ridley-Thomas, and Steinberg)

January 18, 2008

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An act to amend Sections *100*, *2102*, *2106*, *2150*, and *2205* of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1819, as amended, Price. Elections: voter registration.

Existing law authorizes a person who will be 18 years of age at the time of the next election to register to vote by executing an affidavit of registration.

This bill would authorize a person who is at least 16 years of age and otherwise meets all voter eligibility requirements to submit his or her affidavit of registration. The affidavit of registration would be deemed effective as soon as the affiant would be 18 years of age at the time of the next election.

Existing law requires the registrar of births and deaths to notify the county elections official monthly of all deceased persons 18 years of age and over whose deaths were registered the preceding month. Existing law further requires the county elections official to cancel the affidavit of registration of a deceased voter.

This bill would require the registrar of births and deaths to notify the county elections official monthly of all deceased persons 16 years of age and over whose deaths were registered the preceding month.

*This bill would also make conforming changes to existing law.*

The above provisions of the bill would become operative ~~on January 1, 2010~~ *when the Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act of 2002.*

By requiring local elections officials to process voter registrations submitted by persons 16 years of age or older, the 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, 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 these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 100 of the Elections Code is amended to  
2     read:  
3     100. (a) Notwithstanding any other provision of law, whenever  
4     ~~any~~ *an* initiative, referendum, recall, nominating petition or paper,  
5     or any other petition or paper, is required to be signed by voters  
6     of ~~any~~ *a* county, city, school district, or special district subject to  
7     petitioning, only a person who is an eligible registered voter at the  
8     time of signing the petition or paper is entitled to sign ~~it~~ *the petition*  
9     *or paper. A person who submits his or her affidavit of registration*  
10    *pursuant to subdivision (d) of Section 2102 is not eligible to sign*  
11    *a petition or paper unless at the time of the signing of the petition*  
12    *or paper he or she will be 18 years of age at the time of the next*  
13    *election. Each*  
14    (b) A signer shall at the time of signing the petition or paper  
15    personally affix his or her signature, printed name, and place of  
16    residence, ~~giving~~ *including the street and number of the place of*  
17    *residence, and if no street or number for the place of residence*

1 exists, then a designation of the place of residence which will  
2 enable the location to be readily ascertained. A space at least one  
3 inch wide shall be left blank after each name for the use of the  
4 elections official in verifying the petition or paper. ~~The~~

5 (c) *The* part of a petition for the ~~voters'~~ signatures, printed  
6 names, and residence addresses *of the voters* and for the blank  
7 spaces for verification purposes shall be numbered consecutively  
8 commencing with the number one and continuing through the  
9 number of signature spaces allotted to each section. The petition  
10 format shall be substantially in the following form:

11  
12 Official  
13 Use  
14 Only  
15

16 (Print Name) 17 _____ 18 19 1. _____ 20 (Signature)	(Residence Address ONLY) _____ (City)	
22 (Print Name) 23 _____ 24 25 2. _____ 26 (Signature)	(Residence Address ONLY) _____ (City)	

27  
28  
29 **SECTION 1.**

30 *SEC. 2.* Section 2102 of the Elections Code is amended to read:

31 2102. (a) A person may not be registered as a voter except by  
32 affidavit of registration. The affidavit shall be mailed or delivered  
33 to the county elections official and shall set forth all of the facts  
34 required to be shown by this chapter. A properly executed  
35 registration shall be deemed effective upon receipt of the affidavit  
36 by the county elections official if received on or before the 15th  
37 day prior to an election to be held in the registrant's precinct. A  
38 properly executed registration shall also be deemed effective upon

1 receipt of the affidavit by the county elections official if any of  
2 the following apply:

3 (1) The affidavit is postmarked on or before the 15th day prior  
4 to the election and received by mail by the county elections official.

5 (2) The affidavit is submitted to the Department of Motor  
6 Vehicles or accepted by any other public agency designated as a  
7 voter registration agency pursuant to the National Voter  
8 Registration Act of 1993 (42 U.S.C. Sec. 1973gg) on or before the  
9 15th day prior to the election.

10 (3) The affidavit is delivered to the county elections official by  
11 means other than those described in paragraphs (1) or (2) on or  
12 before the 15th day prior to the election.

13 (b) For purposes of verifying signatures on a recall, initiative,  
14 or referendum petition or signatures on a nomination paper or any  
15 other election petition or election paper, a properly executed  
16 affidavit of registration shall be deemed effective for verification  
17 purposes if both (1) the affidavit is signed on the same date or a  
18 date prior to the signing of the petition or paper, and (2) the  
19 affidavit is received by the county elections official on or before  
20 the date on which the petition or paper is filed.

21 (c) Notwithstanding any other provision of law to the contrary,  
22 the affidavit of registration required under this chapter may not be  
23 taken under sworn oath, but the content of the affidavit shall be  
24 certified as to its truthfulness and correctness, under penalty of  
25 perjury, by the signature of the affiant.

26 (d) A person who is at least 16 years of age and otherwise meets  
27 all eligibility requirements to vote may submit his or her affidavit  
28 of registration as prescribed by this section. A properly executed  
29 registration made pursuant to this subdivision shall be deemed  
30 effective as of the date the affiant will be 18 years of age, provided  
31 the information in the affidavit of registration is still current at that  
32 time. If the information provided by the affiant in the affidavit of  
33 registration is not current at the time that the registration would  
34 otherwise become effective, for his or her registration to become  
35 effective, the affiant shall provide the current information to the  
36 proper county elections official as prescribed by this chapter.

37 *SEC. 3. Section 2106 of the Elections Code is amended to read:*

38 2106. ~~Any~~A program adopted by a county pursuant to Section  
39 2103 or 2105, that is designed to encourage the registration of  
40 electors, shall, with respect to ~~any~~ a printed literature or media

1 ~~announcements~~ *announcement* made in connection with these  
2 programs, contain this statement: “A person entitled to register to  
3 vote must be a United States citizen, a resident of California, not  
4 in prison or on parole for the conviction of a felony, and at least  
5 18 years of age at the time of the election. *A person may preregister*  
6 *to vote if he or she is a United States citizen, a resident of*  
7 *California, not in prison or on parole for the conviction of a felony,*  
8 *and at least 16 years of age.” A county elections official may*  
9 *continue to use existing materials prior to printing new or revised*  
10 *materials required by any changes to this section.*

11 ~~SEC. 2.~~

12 *SEC. 4.* Section 2150 of the Elections Code is amended to read:

13 2150. (a) The affidavit of registration shall show:

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

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

24 (3) The affiant’s place of residence, residence telephone number,  
25 if furnished, and e-mail address, if furnished. No person shall be  
26 denied the right to register because of his or her failure to furnish  
27 a telephone number or e-mail address, and shall be so advised on  
28 the voter registration card.

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

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

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

37 (7) (A) In the case of an applicant who has been issued a current  
38 and valid driver’s license, the applicant’s driver’s license number.

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

4 (C) If an applicant for voter registration has not been issued a  
5 current and valid driver's license or a social security number, the  
6 state shall assign the applicant a number that will serve to identify  
7 the applicant for voter registration purposes. To the extent that the  
8 state has a computerized list in effect under this subdivision and  
9 the list assigns unique identifying numbers to registrants, the  
10 number assigned under this subparagraph shall be the unique  
11 identifying number assigned under the list.

12 (8) The affiant's political party affiliation.

13 (9) That the affiant is currently not imprisoned or on parole for  
14 the conviction of a felony.

15 (10) A prior registration portion indicating whether the affiant  
16 has been registered at another address, under another name, or as  
17 intending to affiliate with another party. If the affiant has been so  
18 registered, he or she shall give an additional statement giving that  
19 address, name, or party.

20 (b) The affiant shall certify the content of the affidavit as to its  
21 truth and correctness, under penalty of perjury, with the signature  
22 of his or her name and the date of signing. If the affiant is unable  
23 to write he or she shall sign with a mark or cross.

24 (c) The affidavit of registration shall also contain a space that  
25 would enable the affiant to state his or her ethnicity or race, or  
26 both. An affiant may not be denied the ability to register because  
27 he or she declines to state his or her ethnicity or race.

28 (d) If a person, including a deputy registrar, assists the affiant  
29 in completing the affidavit, that person shall sign and date the  
30 affidavit below the signature of the affiant.

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

33 (f) The Secretary of State may continue to supply existing  
34 affidavits of registration to county elections officials prior to  
35 printing new or revised forms that reflect the changes made to this  
36 section by the act that added this subdivision.

37 ~~SEC. 3.~~

38 *SEC. 5.* Section 2205 of the Elections Code is amended to read:

39 2205. The local registrar of births and deaths shall notify the  
40 county elections official not later than the 15th day of each month

1 of all deceased persons 16 years of age and over, whose deaths  
2 were registered with him or her or of whose deaths he or she was  
3 notified by the state registrar of vital statistics during the preceding  
4 month. This notification shall include at least the name, sex, age,  
5 birthplace, birthdate, place of residence, and date and place of  
6 death of each decedent.

7 The county elections official shall cancel the affidavit of  
8 registration of the deceased voter.

9 ~~SEC. 4.~~

10 *SEC. 6.* If the Commission on State Mandates determines that  
11 this act contains costs mandated by the state, reimbursement to  
12 local agencies and school districts for those costs shall be made  
13 pursuant to Part 7 (commencing with Section 17500) of Division  
14 4 of Title 2 of the Government Code.

15 ~~SEC. 5. Sections 1 to 4, inclusive, of this bill shall become~~  
16 ~~operative on January 1, 2010.~~

17 *SEC. 7. Sections 1 to 6, inclusive, of this bill shall become*  
18 *operative only if the Secretary of State certifies that the state has*  
19 *a statewide voter registration database that complies with the*  
20 *requirements of the federal Help America Vote Act of 2002 (42*  
21 *U.S.C. Sec. 15301 et seq.).*