

Assembly Bill No. 2466

CHAPTER 757

An act to amend Sections 2101, 2106, and 2212 of the Elections Code, relating to voting.

[Approved by Governor September 28, 2016. Filed with
Secretary of State September 28, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2466, Weber. Voting: felons.

The California Constitution requires the Legislature to provide for the disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony. Existing law provides that a person is entitled to register to vote if he or she is a United States citizen, a resident of California, not imprisoned or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election.

This bill, for purposes of determining who is entitled to register to vote, would define imprisoned as currently serving a state or federal prison sentence and would define parole as a term of supervision by the Department of Corrections and Rehabilitation. The bill would clarify that conviction does not include a juvenile adjudication.

Existing law requires any program adopted by a county pursuant to certain provisions that is designed to encourage the registration of electors, with respect to any printed literature or media announcements made in connection with the program, to contain a statement that a person entitled to register to vote must be a United States citizen, a California resident, not in prison or on parole for conviction of a felony, and at least 18 years of age at the time of the election.

This bill would instead require that the statement, as described above, state that a person entitled to register to vote must be a United States citizen, a California resident, not currently in state or federal prison or on state parole for the conviction of a felony, and at least 18 years of age at the time of the election. By requiring a county to change the statement included as part of its voter registration program, as described above, the bill would impose a state-mandated local program.

Existing law requires the clerk of the superior court of each county, on the basis of the records of the court, to furnish to the chief elections official of the county, at least on April 1 and September 1 of each year, a statement showing the names, addresses, and dates of birth of all persons who have been convicted of felonies since the clerk's last report. Existing law requires the elections official to cancel the affidavits of registration of those persons who are currently imprisoned or on parole for the conviction of a felony.

This bill would instead require that the statement furnished by the clerk of the superior court of each county to the county elections official show the names, addresses, and dates of birth of all persons who have been committed to state prison as the result of the conviction of a felony since the clerk's last report.

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.

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

SECTION 1. Section 2101 of the Elections Code, as enacted by Section 2 of Chapter 920 of the Statutes of 1994, 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 or on parole for the conviction of a felony, and at least 18 years of age at the time of the next election.

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

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

(2) "Parole" means a term of supervision by the Department of Corrections and Rehabilitation.

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

SEC. 2. Section 2101 of the Elections Code, as amended by Section 2 of Chapter 728 of the Statutes of 2015, 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 or on parole 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 or on parole 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 sentence.

(2) "Parole" means a term of supervision by the Department of Corrections and Rehabilitation.

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

SEC. 3. Section 2106 of the Elections Code, as enacted by Section 2 of Chapter 920 of the Statutes of 1994, 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 any 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 in state or federal prison or on state parole for the conviction of a felony, and at least 18 years of age at the time of the election.”

SEC. 4. Section 2106 of the Elections Code, as amended by Section 2 of Chapter 619 of the Statutes of 2014, 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 in state or federal prison or on state parole 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 he or she is a United States citizen, a resident of California, not currently in state or federal prison or on state parole 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 2106 of the Elections Code, as amended by Section 5 of Chapter 728 of the Statutes of 2015, 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 or on state parole 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 he or she is a United States citizen, a resident of California, not currently imprisoned in a state or federal prison or on state parole 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. 6. Section 2106 of the Elections Code, as amended by Section 6 of Chapter 728 of the Statutes of 2015, 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 any 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 or on state parole for the conviction of a felony, and at least 18 years of age at the time of the election.”

SEC. 7. Section 2212 of the Elections Code, as amended by Section 95 of Chapter 784 of the Statutes of 2002, 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 county elections official, not less frequently than the first day of April and the first day of September of each year, 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 elections official shall, during the first week of April and the first week of September in each year, cancel the affidavits of registration of those persons who are currently imprisoned or on parole for the conviction of a felony. The clerk shall certify the statement under the seal of the court.

SEC. 8. Section 2212 of the Elections Code, as amended by Section 65 of Chapter 728 of the Statutes of 2015, 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 or on parole for the conviction of a felony. The clerk shall certify the statement under the seal of the court.

SEC. 9. 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.