

PROPOSED LAW

SECTION 1. Title.

This measure shall be known and may be cited as, “The Voting Restoration and Democracy Act of 2018”.

SECTION 2. Purpose and Intent.

In enacting this act, it is the purpose and intent of the people of the State of California to:

1. Uphold the right to vote as fundamental to any democracy;
2. Protect the rights of all U.S. citizens to participate in the democratic process, and
3. Prohibit the disenfranchisement of voters on the basis that they are imprisoned or on parole for the conviction of a felony.

SECTION 3. Amendment to the Constitution and Elections Code.

Section 4 of Article II of the California Constitution is amended to read:

SEC. 4. The Legislature shall prohibit improper practices that affect elections and shall provide for the disqualification of electors while mentally incompetent. ~~or imprisoned or on parole for the conviction of a felony.~~

Section 2101 of the Elections code is amended to read:

2101. A person entitled to register to vote shall be a United States citizen, a resident of California, ~~not in prison or on parole for the conviction of a felony,~~ and at least 18 years of age at the time of the next election.

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.

2101. (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.

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 or on parole 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 or on parole 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 Web site 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 or on parole for the conviction of a felony~~ with the completion of the affidavit of registration, unless the individual declines assistance.

Section 2106 of the Elections code is amended to read:

2106. Any program adopted by a county pursuant to Section 2103 or 2105, that is designed to encourage the registration of electors, shall, with respect to any printed literature or media announcements made in connection with these programs, contain this statement: "A person entitled to register to vote must be a United States citizen, a resident of California, ~~not in prison or on parole for the conviction of a felony~~, and at least 18 years of age at the time of the election."

2106. A program adopted by a county pursuant to Section 2103 or 2105, that is designed to encourage the registration of electors, shall, with respect to a printed literature or media announcement made in connection with these programs, contain this statement: "A person entitled to register to vote must be a United States citizen, a resident of California, ~~not in prison or on 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 in prison or on 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.

Section 2150(a) 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 his or her 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 his or her 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 his or her 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 he or she will be at least 18 years of age on or before the date of the next election.
- (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 applicant 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 or on parole for the conviction of a felony.~~
- ~~(10)~~ (9) A prior registration portion indicating if the affiant has been registered at another address, under another name, or as preferring another party. If the affiant has been so registered, he or she shall give an additional statement giving that address, name, or party.

Section 2201 of the Elections code is amended to read:

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

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

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

~~(c) Upon proof that the person is presently imprisoned or on parole for conviction of a felony.~~

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

~~(e)~~ (d) Upon the death of the person registered.

~~(f)~~ (e) Pursuant to Article 2 (commencing with Section 2220).

~~(g)~~ (f) Upon official notification that the voter is registered to vote in another county or state.

~~(h)~~ (g) Upon proof that the person is otherwise ineligible to vote.

Section 2201(a) 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 or on parole for conviction of a felony.~~

~~(4)~~ (3) Upon the production of a certified copy of a judgment directing the cancellation to be made.

~~(5)~~ (4) Upon the death of the person registered.

~~(6)~~ (5) Pursuant to Article 2 (commencing with Section 2220).

~~(7)~~ (6) Upon official notification that the voter is registered to vote in another state.

~~(8)~~ (7) Upon proof that the person is otherwise ineligible to vote.

Section 2201(b) of the Elections code is amended to read:

2201. (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 or on parole for the conviction of a felony.~~

~~(3)~~ (2) Upon the death of the person registered.

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 chief elections official of the county, 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 convicted of felonies 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.~~

~~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 convicted of felonies 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.~~

Section 2300 (a) 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 in prison or on parole for conviction of a felony~~, and who is registered to vote at his or her 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 prior to 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, prior to 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 prior to the closing of the polls on election day.
- (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 board or election 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.

Section 14240(a) 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 index.
- (2) That the voter is not a resident of the precinct.
- (3) That the voter is not a citizen of the United States.
- (4) That the voter has voted that day.
- ~~(5) That the voter is presently on parole for the conviction of a felony.~~

Section 15105 of the Elections code is amended to read:

15105. Prior to processing and opening the identification envelopes of vote by mail voters, the elections official shall make available a list of vote by mail voters for public inspection, from which challenges may be presented. Challenges may be made for the same reasons as those made against a voter voting at a polling place. In addition, a challenge may be entered on the grounds that the ballot was not received within the time provided by this code ~~or that a person is imprisoned for a conviction of a felony~~. All challenges shall be made prior to the opening of the identification envelope of the challenged vote by mail voter.

SECTION 4. Amendment.

This act shall be broadly construed to accomplish its purposes. The provisions of Section 3 of this act may be amended so long as such amendments are consistent with and further the intent of this act by a statute that is passed by a majority vote of the members of each house of the Legislature and signed by the Governor.

SECTION 5. Severability.

If any provision of this act, or part of this act, or the application of any provision or part to any person or circumstances, is for any reason held to be invalid, the remaining provisions, or applications of provisions, shall not be affected, but shall remain in full force and effect, and to this end the provisions of this act are severable.

SECTION 6. Conflicting Initiatives.

In the event that this act and another act addressing voting rights for state prisoners or parolees shall appear on the same statewide ballot, the provisions of the other act or acts shall be deemed to be in conflict with this act. In the event that this act receives a greater number of affirmative votes than an act deemed to be in conflict with it, the provisions of this act shall prevail in their entirety, and the other act or acts shall be null and void.

SECTION. 7. Proponent Standing.

Notwithstanding any other provision of law, if the State, government agency, or any of its officials fail to defend the constitutionality of this act, following its approval by the voters, any other government employer, the proponent, or in their absence, any citizen of this State shall have the authority to intervene in any court action challenging the constitutionality of this act for the purpose of defending its constitutionality, whether such action is in any trial court, on appeal, or on discretionary review by the Supreme Court of California or the Supreme Court of the United States. The reasonable fees and costs of defending the action shall be a charge on funds appropriated to the Department of Justice, which shall be satisfied promptly.