

Date of Hearing: March 20, 2024

ASSEMBLY COMMITTEE ON ELECTIONS  
Gail Pellerin, Chair  
AB 2582 (Pellerin) – As Introduced February 14, 2024

**SUBJECT:** Elections omnibus bill.

**SUMMARY:** Requires the Secretary of State (SOS) to establish uniform candidate filing forms to be used by elections officials, including those administering municipal elections. Repeals obsolete Elections Code sections related to new resident and new citizen voting. Specifically, **this bill:**

- 1) Prescribes new forms for nomination papers that a candidate for municipal office must file, and requires a candidate for municipal office to file a declaration of candidacy, as specified. Requires the SOS to establish uniform forms for candidates for municipal office to use when filing their nomination and declaration of candidacy documents.
- 2) Repeals provisions of law that specify procedures for new residents and new citizens to register and vote, as specified. Repeals, as of January 1, 2027, a requirement for an elections official to preserve the list of new resident voters voting in accordance with these provisions for 22 months.
- 3) Makes technical and conforming changes.

**EXISTING LAW:**

- 1) Defines a “new citizen,” for the purposes of the Elections Code, to mean any person who meets all requirements of an elector of, and has established residency in, the state, except that the person will become a United States citizen after the 15th day prior to an election. (Elections Code §331)
- 2) Defines a “new resident,” for the purposes of the Elections Code, to mean a person who meets all requirements of an elector of the State of California except that the person’s residency was established subsequent to the 15th day prior to the election. A new resident is eligible to vote for President and Vice President and for no other office. (Elections Code §332)
- 3) Requires registration for new residents to be in progress beginning with the 14th day prior to an election and ending on the seventh day prior to election day. Requires this registration to be executed in the county elections office and requires a new resident to vote a new resident’s ballot in that office. (Elections Code §3400) Requires the SOS to have blank affidavits of registration prepared for new residents that contain the information required on a regular affidavit of registration pursuant to existing law except that it shall have a removable portion with the caption “new resident.” (Elections Code §3402) Requires ballots of new residents to be received and canvassed at the same time and under the same procedure as vote by mail (VBM) voter ballots. (Elections Code §3405)

- 4) Provides that a new citizen is eligible to register and vote at the office of, or at another location designated by, the county elections official at any time beginning on the 14th day before an election and ending at the close of polls on the election day following the date on which that person became a citizen. (Elections Code §3500) Requires a new citizen registering to vote to provide the county elections official with proof of citizenship prior to voting, and to declare that they have established residency in California. (Elections Code §3501) Requires the ballots of new citizens to be received and canvassed at the same time and under the same procedure as VBM voter ballots. (Elections Code §3502)
- 5) Defines “conditional voter registration” (CVR) to mean a properly executed affidavit of registration that is delivered by the registrant to the county elections official during the 14 days immediately preceding an election or on election day and which may be deemed effective after the elections official processes the affidavit, determines the registrant’s eligibility to register, and validates the registrant’s information, as specified. (Elections Code §2170(a))
- 6) Provides that a CVR is deemed effective if the county elections official is able to determine before or during the canvass period of the election that the registrant is eligible to register to vote and that the information provided by the registrant on the affidavit matches information contained in a database maintained by the Department of Motor Vehicles or the federal Social Security Administration. Requires the registrant, if the information provided by them on the affidavit of registration cannot be verified, but the registrant is otherwise eligible to vote, to be issued a unique identification number, as specified, and the CVR shall be deemed effective. (Elections Code §2170)
- 7) Requires an elections official to provide CVR and voting at all permanent and satellite offices of the county elections official and all polling places in the county. (Elections Code §2170(d)(1))
- 8) Requires candidates for municipal office to file nomination papers, as specified, that are accompanied by a verified statement of the candidate that they will accept the nomination, and will also accept the office in the event of their election. Requires the statement to contain a blank space wherein the candidate shall be required to fill in their name in the manner in which they wish the same to appear on the ballot and also the designation which they wish to have under their name on the ballot. (Elections Code §10223)
- 9) Requires municipal nomination papers and affidavits to be substantially in a specified form. (Elections Code §10226)
- 10) Specifies the required contents of a declaration of candidacy and nomination papers, and requires those nomination documents to be in substantially the form specified in state law. (Elections Code §§8040, 8041) Requires the SOS to establish uniform filing forms for state candidates to use when filing a declaration of candidacy and nomination papers pursuant to existing law. (Elections Code §8042)
- 11) Authorizes any county, pursuant to the California Voter's Choice Act (CVCA), to conduct elections in which every registered voter is mailed a ballot and vote centers and ballot drop-

off locations are available prior to and on election day, in lieu of operating polling places for the election, subject to certain conditions. (Elections Code §4005)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

1) **According to the author:**

County elections officials are often tasked with coordinating and conducting municipal elections on behalf of the cities within their jurisdictions. Generally, candidates running for local office must file a number of different documents with the elections official in order to qualify to appear on the ballot. For instance, a candidate may be required to file nomination papers which require a candidate to collect signatures from registered voters in the jurisdiction. After the nomination papers are submitted, elections officials must verify the signatures to ensure they are valid.

County elections officials report that the signature verification process can be onerous and require significant staff time and resources because local nomination documents are not required to be uniform. Furthermore, the lack of uniformity results in a more manual, less streamlined verification process. This bill helps to streamline this process by requiring the Secretary of State to establish uniform candidate filing forms to be used by all elections officials, including those administering municipal elections.

California previously established procedures to allow an individual to vote in an election if that person became a citizen or a California resident after the voter registration deadline. With the implementation and expansion of conditional voter registration (CVR), all Californians now have the ability to register or re-register to vote through the close of polls on election day.

According to county elections officials, voters who are new residents or new citizens generally now use CVR to register and vote. As a result, the specified procedures in existing law for new residents and new citizens to register and vote are outdated, confusing, and no longer necessary. Accordingly, this bill repeals those obsolete provisions of law.

2) **Conditional Voter Registration and Previous Legislation:** AB 1436 (Feuer), Chapter 497, Statutes of 2012, permits CVR, also known as “same day registration,” under which a person is allowed to register or re-register to vote and vote within 14 days of an election, including election day, if certain requirements are met. A voter’s ballot is processed and counted once the county elections office has completed the voter registration verification process.

In counties that conduct elections pursuant to the CVCA, CVR is required to be available at every vote center. In 2019, the Legislature approved and the Governor signed SB 72 (Umberg), Chapter 565, Statutes of 2019, which expanded CVR and required it to be made available at all polling places, as specified.

In practice, CVR serves as a safety net for Californians who miss the deadline to register to vote or update their voter registration information for an election. Generally, all eligible citizens, including new residents and new citizens, who need to register or re-register to vote within 14 days of an election can complete this process to register and vote at their county elections office, polling place, or vote center.

- 3) **New Residents and New Citizen Procedures:** As mentioned above, existing law establishes specific procedures for new residents and new citizens to register and vote. However, there have been many election reforms that have modernized election procedures and processes, such as CVR. According to county elections officials, voters who are new residents and new citizens generally now use same day voter registration to register and vote. Accordingly, this bill repeals obsolete Elections Code sections related to new resident and new citizen voting that are no longer relevant with the enactment of CVR.
- 4) **Candidate Filing Documents:** A candidate for elective office must file a number of different documents in order to qualify to appear on the ballot. Many of those documents must be filed with a county elections official, though for some offices, candidates must also file documents with the SOS. While current law requires declarations of candidacy and nomination papers to be in “substantially” the form specified in the Elections Code, there may be variations in the format of these documents among local jurisdictions. Furthermore, county elections officials coordinate and administer municipal elections on behalf of the cities within their jurisdiction and the lack of uniformity in the nomination documents adds complexity.

This bill streamlines the local candidate filing process for elections officials by requiring the SOS to establish uniform candidate filing forms to be used by all elections officials, including in municipal elections. In addition, this bill makes changes to local nomination documents a candidate must file. Under current law, candidates for state and county elected office are required to file a declaration of candidacy with the appropriate elections official. On the city level, however, existing law requires a municipal candidate to file a similar document called an affidavit of nominee. This bill deletes the affidavit of nominee form requirement, and instead replaces it with declaration of candidacy requirement that is substantially similar to the declaration of candidate forms used for state and county candidates.

- 5) **Technical Amendment:** Under current law, a candidate for municipal office is required to provide with their nomination documents a verified statement that the candidate will accept the nomination and will also accept the office in the event of their election. Committee staff recommends the following technical amendment to ensure that verification is still captured.

Amend the language on page 7, in line 37, as follows: If nominated, I will accept the nomination and if elected I will accept the office. ~~and not withdraw.~~

- 6) **Previous Legislation:** AB 2577 (Bigelow), Chapter 148, Statutes of 2022, requires the SOS to establish uniform filing forms for a candidate to use when filing a declaration of candidacy and nomination papers, as specified.

- 7) **Arguments in Support:** The sponsor of this bill, the California Association of Clerks and Election Officials, writes in support:

Current law establishes specific procedures for new residents and new citizens to register and vote during the last two weeks of an election. Existing law requires an elections official to preserve the list of new resident voters voting for 22 months from the date of the election.

These registration procedures were made unnecessary by the enactment of conditional voter registration, which was added to the Elections Code in 2012 and became operative in 2017, to allow all eligible persons to register to vote and receive a ballot during the last two weeks of an election. AB 2582 would repeal the obsolete new residents and new citizens statues enacted in 1994.

Existing law requires a candidate for municipal office to file nomination papers and affidavits, but these forms are created by the individual municipal elections officials in substantial compliance with required content outlined in the Elections Code.

AB 2582 would require municipal elections officials to use uniform filing forms established by the Secretary of State to ensure all cities use the same forms, and would allow for those forms to align with the uniform filing forms the Secretary of State provides to county elections officials for federal, state, county, school district, and special district candidates.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Association of Clerks and Election Officials (Sponsor)

**Opposition**

None on file.

**Analysis Prepared by:** Nichole Becker / ELECTIONS / (916) 319-2094