

Date of Hearing: March 26, 2025

ASSEMBLY COMMITTEE ON ELECTIONS  
Gail Pellerin, Chair  
AB 604 (Berman) – As Introduced February 13, 2025

**SUBJECT:** Voter registration: residency confirmation.

**SUMMARY:** Repeals an obsolete provision of law related to residency confirmation of registered voters.

**EXISTING STATE LAW:**

- 1) Requires each county elections official to conduct a pre-election residency confirmation of each registered voter, as specified, prior to each primary election. (Elections Code §§2220, 2222, 2223, 2227)
- 2) Provides for the status of a voter's registration to be changed to inactive if change-of-address data received by the county elections official from the United States Postal Service (USPS) or its licensees indicates that the voter has moved and left no forwarding address or has moved out of the state, as specified. Requires the county elections official to send a forwardable address verification mailing to the voter in that case, as specified. (Elections Code §§2221, 2225, 2226)
- 3) Permitted a county elections official, until December 31, 2019, to send an alternate residency confirmation (ARC) postcard to any voter who had not voted in an election within the preceding four years, and who had not updated their residence address, name, or party preference during that time. Permitted a county elections official, until December 31, 2019, to make a voter's registration inactive if the voter failed to respond to an ARC postcard. This provision of law was made inoperative on January 1, 2020, but remains in state law until January 1, 2029, at which point it will be repealed by its own terms. (Elections Code §2224)
- 4) Provides that voters with an inactive voter registration status do not receive vote by mail (VBM) ballots or other election materials that otherwise are sent to registered voters, and are not included in voter registration numbers for the purposes of certain election administration related processes. (Elections Code §§2226, 3000.5)
- 5) Provides that any voter whose registration is inactive, and who offers to vote, who notifies the elections official of a continued residency, or who confirms the voter's registration record on the SOS's website, shall be removed from the inactive list and placed on the active voter list. (Elections Code §2226(c))

**EXISTING FEDERAL LAW:**

- 1) Requires each state, as specified, to do both of the following pursuant to the National Voter Registration Act of 1993 (NVRA):

- a) Provide that the name of a registrant may not be removed from the official list of eligible voters except at the registrant's request, as provided by state law by reason of criminal conviction or mental incapacity, or as provided by specified procedures outlined in the NVRA.
  - b) Conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of death of the registrant, or a change in the residence of the registrant, as specified. (52 U.S. Code §20507)
- 2) Requires all of the following, pursuant to NVRA and the federal Help America Vote Act (HAVA):
- a) That a voter not be removed from the list of eligible voters in elections for federal office on the ground that the registrant has changed residence unless either of the following is true:
    - i) The registrant confirms their change in residence in writing, as specified; or,
    - ii) The registrant has failed to respond to a specified notice and has not voted or appeared to vote in an election between the time that the notice is sent and the date of the second federal general election after the notice is sent.
  - b) That a voting registrar shall correct an official list of eligible voters in elections for federal office in accordance with change of residence information obtained in conformance with the state program or activity to ensure the maintenance of an accurate and current voter registration roll for elections for federal office. (52 U.S. Code §20507)

**FISCAL EFFECT:** None. This bill is keyed non-fiscal by the Legislative Counsel.

**COMMENTS:**

- 1) **Purpose of the Bill:** According to the author:

State and federal law require elections officials to follow specified procedures to confirm the residency of registered voters. These residency confirmation procedures are designed to keep voter registration rolls up-to-date by ensuring that voters' registrations are updated when voters move. If information from a residency confirmation process indicates that a voter has moved and not left a forwarding address, the voter's registration becomes inactive. A voter whose registration is inactive remains eligible to vote, but their registration eventually may be canceled if the voter does not vote or confirm their address with the elections official.

I authored AB 504 in 2019 to, among other changes, allow a voter to confirm their address by logging in to the Secretary of State's "My Voter Status" website, which ensures that the voter's registration remains active, or makes the

registration active again if it was inactive. Because some of the changes made by AB 504 necessitated technology upgrades, the bill contained two nearly identical provisions of law, with one taking effect following passage and the second taking effect once the upgrades were completed. I'm authoring AB 604 to clean up the law and prevent any confusion as to which provision of code is in effect.

- 2) **Inactive Voters:** California law provides that a voter's registration may be changed to "inactive" status under specified circumstances. Voters whose registrations are inactive do not receive VBM ballots, but remain eligible to vote. The inactive list is one tool that California uses to protect voters from being disenfranchised inadvertently if elections officials receive inaccurate information about the residence address of a voter.

Under state law, a voter's registration is made inactive when the county elections official receives information from the USPS that indicates that the voter has moved and has not provided a new address, or has moved out of state. Additionally, until recently, a voter's registration could be made inactive even in situations where the elections official had not received information that suggested that a voter has moved. Specifically, until the beginning of 2020, state law allowed (but did not require) elections officials to conduct an ARC process under which voters who had not voted in at least four years were sent a residency confirmation postcard. If the voter failed to return that postcard, state law provided for the voter's registration to be made inactive.

When a county elections official changes a voter's registration status to inactive, state and federal law require the elections official to send a forwardable address verification mailing to the voter at the address at which the voter was registered to vote. If the voter responds to that mailing and confirms that they have not changed their residence, the voter's registration status is changed back to active. Alternately, if the voter responds and indicates that they have changed their residence, the voter's registration is either updated to the voter's new residence address if the new address is in California, or canceled if the new address is outside of California.

If a voter's registration status is changed to inactive and that voter does not respond to the address verification mailing sent by the elections official, then the voter's registration remains inactive. If that voter does not vote, attempt to vote, or otherwise confirm or update their voter registration between the date of that notice and the second federal general election that occurs after the date of the notice, then the voter's registration is canceled.

- 3) **Secretary of State's My Voter Status Website:** HAVA generally requires each state to implement a single, centralized, interactive computerized statewide voter registration list that is defined, maintained, and administered at the state level and that contains the name and registration information of every legally registered voter in the state. California's federally compliant statewide voter registration database is known as VoteCal.

When California launched VoteCal in September 2016, the SOS also launched a "My Voter Status" portal that allows eligible Californians to register to vote, check their voter registration status, and check the status of their VBM or provisional ballots, among other functions. To access the "My Voter Status" website, a voter must provide their name,

driver's license or identification card number, the last four digits of their Social Security number, and their date of birth.

- 4) **Seeing Double and Previous Legislation:** AB 504 (Berman), Chapter 262, Statutes of 2019, was legislation sponsored by the SOS that made various changes to state laws related to the confirmation of voters' residence addresses. Among other changes, AB 504 eliminated the ARC process described above in an effort to bring state law into conformity with a United States Supreme Court ruling from the prior year.

AB 504 additionally provided that if a voter verifies their registration record through the SOS's My Voter Status website, that verification would serve as a confirmation of the voter's residency for the purposes of pre-election residency confirmation processes and voter list maintenance procedures. At the time AB 504 was enacted, however, the VoteCal system did not have the ability to notify the relevant county elections official when a voter confirmed their registration record on the SOS's My Voter Status website. Accordingly, AB 504 enacted two versions of Section 2226 of the Elections Code, which contains rules for voter list maintenance. One version of Section 2226 went into effect on January 1, 2020, and the second version specified that it would go into effect only after the SOS certified that necessary changes were made to VoteCal such that the relevant county elections official would be notified when a voter confirmed their registration record on the SOS's My Voter Status website. According to information from the SOS, those changes were made to VoteCal in 2020. As a result, the first version of Section 2226 of the Elections Code is no longer operative, and the second version of that code section is in effect.

This bill repeals the inoperative version of Section 2226 of the Elections Code.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

None on file.

##### **Opposition**

None on file.

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