

Date of Hearing: July 2, 2025

**ASSEMBLY COMMITTEE ON ELECTIONS**

Gail Pellerin, Chair

SB 408 (Choi) – As Amended April 3, 2025

**SENATE VOTE:** 38-0

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

**SUMMARY:** Requires elections officials to verify voters' residencies before primary elections by using United States Postal Service (USPS) change-of-address data and at least one of three other residency confirmation methods specified in state law, instead of requiring elections officials to use at least one of the four methods, as is the case under existing law.

**EXISTING STATE LAW:**

- 1) Requires each county elections official to conduct a pre-election residency confirmation of each registered voter pursuant to one of the following procedures prior to each primary election:
  - a) By mailing a non-forwardable postcard to each voter in the county. Elections officials need not mail postcards to voters who voted in the six months before the start of the confirmation procedure or who confirmed their registration records on the website of the Secretary of State (SOS) in the year before the start of the confirmation procedure. (Elections Code §2220)
  - b) By contracting with the USPS or its licensees to obtain use of the postal service change-of-address data such as the National Change of Address system (NCOA) and Operation Mail. Any such data received by the SOS must be shared with county elections officials through the statewide voter registration database. (Elections Code §2222)
  - c) By including the return address of the elections official's office along with specified language on the outside of the county voter information guide mailed to the voter for an election conducted within the six months prior to the start of the confirmation process. If an elections official uses this procedure, the official must confirm the addresses of voters who were not eligible to vote at an election during that six months period using one of the other permitted procedures. (Elections Code §2223)
  - d) By contracting with a consumer credit reporting agency or its licensees to obtain use of change-of-address data, as specified. (Elections Code §2227)
- 2) Requires the SOS to conduct monthly voter registration list maintenance using a change-of-address service or services based on the NCOA database to identify address changes for registered voters. Requires the statewide voter registration system to automatically notify the relevant county elections official of any voter registration record in the official's county showing a change of address. Requires the county elections official to process that potential

address change and submit any change in the registration records to the statewide voter registration system within five business days. (2 Cal. Code Regs. §§19061, 19078)

**EXISTING FEDERAL LAW:**

- 1) Requires each state, pursuant to the National Voter Registration Act of 1993, to 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. Requires a registrar of voters to correct the official list of eligible voters in elections for federal office in accordance with change of residence information obtained in conformance with that program. (52 U.S. Code §20507)
- 2) Requires each state, pursuant to the federal Help America Vote Act of 2002, to implement a single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state, as specified. (52 U.S. Code §21083)

**FISCAL EFFECT:** According to the Senate Appropriations Committee:

- Administrative costs to SOS would be minor and absorbable.
- By requiring counties to provide a higher level of service, this bill creates a state-mandated local program. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service on local agencies, local agencies could claim reimbursement of those costs. The magnitude is unknown, but potentially in excess of \$50,000 annually (General Fund).

**COMMENTS:**

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

Voters across the state have expressed the need for California to “clean up” its voter rolls. As Californians actively move from one residence to another, they sometimes find that their ballots continue to be mailed to their previous addresses. Even those who have not been California residents for years find that their ballots are still being mailed to their previous California address. These issues ultimately lead to a lack of trust in our elections system. SB 408 updates California’s voter registration residency confirmation process by requiring the Secretary of State or a county elections official to contract with the USPS or its licensees to obtain use of postal service change-of-address data, such as the National Change of Address System (NCOA) and Operation Mail. The data received by the Secretary of State will be shared with county elections officials through the statewide voter registration database in order to ensure more accurate data.

- 2) **Voter List Maintenance:** Voter registration lists—the official lists of eligible, registered voters—are critical tools for administering elections, and maintaining those lists is essential to election accessibility and integrity. Elections officials continually update voter registration

lists by adding new voters, updating records of existing voters, and removing ineligible voters. This process is known as voter list maintenance. Both federal and state law include requirements that elections officials must follow to keep voter registration lists up-to-date, as described in more detail above.

In addition to sending a voter registration confirmation notice to every newly registered voter and to those who update their registrations, state law requires county elections officials to conduct a pre-election residency confirmation of each registered voter before each statewide primary election. Counties have several options for conducting this pre-election residency check. One option is to mail a non-forwardable postcard to each voter. Another is for the SOS or counties to contract with the USPS or its licensees to obtain use of postal service change-of-address data. Counties may also verify residency by following specific procedures when distributing county voter information guides, or by using data from consumer credit reporting agencies and following specified procedures with the information obtained.

- 3) **Statewide Voter Registration Database and USPS Change-of-Address Data:** Federal law generally requires each state to implement a statewide voter registration list that is 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.

As part of the functionality of VoteCal, the SOS obtains USPS change-of-address data through the California Employment Development Department on a monthly basis. That information is incorporated into VoteCal, which identifies potential matches from that data against the list of registered voters, and flags those for counties. Counties are responsible for making changes to voter registration records as appropriate in accordance with state and federal law.

Because this functionality is built in to VoteCal, every county in California already engages in voter list maintenance activities based on USPS change-of-address data that is updated on a monthly basis. Thus, while existing state law outlines four different methods that county elections officials can use to meet pre-election residency confirmation requirements, every county complies with those requirements by virtue of the USPS change-of-address functionality that is built in to VoteCal.

This bill effectively would require every county elections official to use one of the three other pre-election residency confirmation procedures—a postcard mailing, county voter information guide confirmation, or consumer credit reporting agency data—in addition to using the change-of-address data from VoteCal for voter list maintenance purposes. For counties that are not already engaging in one of those three procedures before statewide primary elections, this bill could impose additional costs for voter list maintenance.

According to information provided by the California Association of Clerks & Election Officials, some counties already meet or exceed the requirements of this bill. Other counties, however, indicated that compliance with this bill will impose additional costs, generally in the range of \$0.22 to \$0.45 per voter per election cycle. The state's most populous county—

Los Angeles County—anticipates costs of about \$2 million per election cycle (about \$0.34 per registered voter).

- 4) **Related Legislation:** AB 604 (Berman), which is pending in the Senate Elections & Constitutional Amendments Committee, proposes to repeal an obsolete provision of law related to residency confirmation of registered voters. AB 604 was approved by this committee on March 26, 2025, on a 7-0 vote, and was approved by the Assembly on a 75-1 vote.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

5 individuals

**Opposition**

None on file.

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