

Date of Hearing: September 14, 2017

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 1403 (Obernolte) – As Amended September 7, 2017

**CONCURRENCE IN SENATE AMENDMENTS**

ASSEMBLY: (May 31, 2017) SENATE: 40-0 (September 12, 2017)

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(vote not relevant)

**SUBJECT:** Military and overseas voters.

**SUMMARY:** Permits a military or overseas voter who has moved after the closing date of registration to register to vote, as specified.

**The Senate amendments** delete the Assembly version of the bill, and instead:

- 1) Permit a military or overseas voter to apply in person to the voter's elections official for permission to register after the closing date of registration if the military or overseas voter is required to move under official active duty military orders after the closing date of registration.
- 2) Require an elector who seeks permission to register pursuant to this bill to furnish a copy of his or her official military orders in order to be registered.
- 3) Add double-jointing language to avoid chaptering problems with SB 286 (Stern).

**EXISTING LAW:**

- 1) Defines a "military or overseas voter" as an elector absent from the county in which he or she is otherwise eligible to vote who is any of the following:
  - a) A member of the active or reserve components of the United States (U.S.) Army, Navy, Air Force, Marine Corps, or Coast Guard; a Merchant Marine; a member of the U.S. Public Health Service Commissioned Corps; a member of the National Oceanic and Atmospheric Administration Commissioned Corps of the U.S.; a member on activated status of the National Guard or state militia;
  - b) A citizen of the U.S. living outside of the territorial limits of the U.S. or the District of Columbia; or,
  - c) A spouse or dependent of a person described above.
- 2) Authorizes a military or overseas voter to apply in person to the elections official for permission to register to vote if he or she is released from services after the closing date of registration, and is not a registered voter, as specified.
- 3) Permits a voter who is otherwise qualified to register to vote to complete a conditional voter registration, as defined, and to cast a provisional ballot during the 14 days immediately

preceding an election or on election day at the office of the elections official. Permits the county elections official to offer conditional voter registration at satellite offices of the county elections official.

- 4) Requires county elections officials, if the county has opted to conduct its elections using vote centers pursuant to the California Voter's Choice Act, to offer conditional voter registration, as specified.

**AS PASSED BY THE ASSEMBLY** this bill that would have required the Secretary of State (SOS) to submit a report describing the feasibility of allowing military and overseas voters to return their ballots by electronic means, as specified.

**FISCAL EFFECT:** According to the Senate Appropriations Committee, no fiscal impact to the state.

**COMMENTS:**

- 1) **Prior Assembly Consideration of this Bill:** As approved by the Assembly in May, this bill would have required the SOS to submit a report describing the feasibility of allowing military and overseas voters to return their ballots by electronic means, as specified. Subsequent to the Assembly's approval of this measure, Senate amendments deleted those provisions and instead amended the bill to permit a military or overseas voter who has moved after the closing date of registration to register to vote, as specified. As a result, this bill has been re-referred to this committee for further consideration pursuant to Assembly Rule 77.2.

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

Elections Code Section 2170 allows the general public to utilize conditional voter registration after the general 15-day registration cutoff. Section 3108 of Elections Code allows voters that are discharged from the military during this timeframe to receive full voting rights rather than the limited provisional status gained from conditional voter registration. Current law leaves active duty members that move due to military order after the 15-day registration cutoff with limited voting rights under Section 2170. Expanding Section 3108 to include military members that move due to official orders allows these military members to utilize their full voting rights.

- 3) **Conditional Voter Registration (a.k.a. "Election Day" Registration):** AB 1436 (Feuer), Chapter 497, Statutes of 2012, permits "conditional voter registration," under which a person is allowed to register to vote and vote at the office of the county elections official at any time, including on election day, if certain requirements are met. Under conditional voter registration, a voter will cast a provisional ballot which will be counted only if the elections official is able to determine the person's eligibility to vote, as specified. Requiring a voter to cast a provisional ballot under conditional voter registration serves as a security check to ensure a voter claiming to be properly registered but whose qualifications to vote cannot be immediately established upon review of the precinct voter index or records on file with the county elections official is still entitled to vote.

The implementation of conditional voter registration was contingent upon the certification of VoteCal, a single, uniform, centralized statewide voter registration database required by

federal law. Specifically, AB 1436 would go into effect on January 1 of the year following the date that the SOS certified VoteCal as the official system of record for voter registration in the state. VoteCal was certified by the SOS last September and consequently conditional voter registration has been in effect since January 1 of this year. Because conditional voter registration is already available, a military voter who is required to move under official military orders after the close of registration already has the ability to register and vote under existing law. This bill, however, would allow such a voter to cast a non-provisional ballot, whereas voters casting ballots under conditional voter registration generally will cast provisional ballots.

**REGISTERED SUPPORT / OPPOSITION:****Support**

American G.I. Forum of California  
American Legion-Department of California  
AMVETS-Department of California  
California Association of County Veterans Service Officers  
California State Commanders Veterans Council  
Military Officers Association of America, California Council of Chapters  
Vietnam Veterans of America-California State Council

**Opposition**

None on file.

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