

Proposition 39
Prohibits Citizens From Voting Unless They Present Government-Issued Identification. Initiative Constitutional Amendment.

BACKGROUND

Elections Administration. County elections officials administer most elections in California. As part of this work, they print and mail ballots and other voting materials to registered voters. Some state agencies also have workload related to voting. For example, the Secretary of State oversees elections across the state and prepares and mails the state *Voter Information Guide*.

United States Citizenship Required to Vote in Federal, State, and Almost All Local

Elections. A person must be a U.S. citizen to vote in any state or federal election. A noncitizen who votes in a state or federal election can be fined and/or sentenced to prison. A person must be a U.S. citizen to vote in the vast majority of local elections. (San Francisco and Oakland have a special process for people who are not U.S. citizens to vote only in school board elections if they are the parent, guardian, or legally recognized caregiver of a student in the school district.)

Voter Registration. In order to vote, people first must register with elections officials. People register to vote in the county where they live. To be eligible to register, a person must be a U.S. citizen, live in California, be at least 18 years old, not currently be in prison, and not be found unable to vote by a court. A person who makes a false statement when attempting to register to vote in California, such as by falsely stating that they are a U.S. citizen, is guilty of the crime of perjury. People can register online through the Secretary of State's website, by mail, in person at a county elections office, or through the California Department of Motor Vehicles. A voter's identity is established through the registration process by using their driver's license number,

state identification number, or last four digits of their Social Security number. Voters who do not provide this identifying information through the registration process may be asked to present identification the first time they vote.

Voter Rolls Maintenance. A voter roll is a list of people who are registered to vote. Elections officials are required to keep the voter rolls up to date by removing people who are no longer eligible to vote from the list. For example, elections officials receive regular updates from other government entities to identify people who have died or are in prison.

Voting. All registered voters in California receive a vote by mail (VBM) ballot. Voters can mail their ballot, drop it off at a ballot drop-off location, or vote in person at a voting location. In the November 2024 Presidential Election, about 16 million people voted in California. About 13 million voted using a VBM ballot, and about 3 million voted in person.

Voter Identification. Voters identify themselves when they vote in California. If they vote in person, they typically identify themselves by signing a list of registered voters before voting. If they vote by mail, they identify themselves by signing the envelope of their ballot. Elections officials verify signatures for VBM ballots before counting them. Elections officials generally do not verify signatures from in-person voters before counting the ballots.

California State Auditor's Office (State Auditor). The State Auditor is an independent and nonpartisan office in state government. It reviews how well the state and local governments use money and run their programs. These reviews include performance audits to see if the government is following the law and working efficiently. The State Auditor may give recommendations to help improve government operations and efficiency. Some audits happen regularly, while others are done only once.

PROPOSAL

Requires State and Local Elections Officials to Verify U.S. Citizenship Status of Registered

Voters. Proposition 39 requires state and local elections officials to make “best efforts” using government data to verify that voters on the rolls are U.S. citizens. Proposition 39 requires elections officials to report every year the percentage of registered voters in each county whose citizenship status has been verified.

Requires Voters to Select Government-Issued Identification for Voting by Mail.

Proposition 39 requires new and existing voters to select a government-issued identification in their voter registration to vote by mail.

Requires Voters to Provide Additional Identifying Information to Vote. Proposition 39 requires voters to provide additional identifying information each time they cast a ballot in any election in California. Elections officials would be required to verify voters' identities before counting their ballots. The identification requirement would depend on whether a voter casts their ballot in person or by mail:

- ***In-Person Voting.*** When voting in person, Proposition 39 requires voters to present government-issued identification for identity verification.
- ***Voting by Mail.*** When voting by mail, Proposition 39 requires voters to provide the last four digits of their selected government-issued identification number on the ballot envelope. Elections officials would verify that the identification numbers provided on the ballot envelope match the voter's registration information.

Creates New State-Issued Voter Identification Card. Proposition 39 requires the state to provide a voter identification card at no cost to voters who request one. The voter identification

card could be used as the government-issued identification that verifies a voter's identify when voting.

Requires State Auditor to Audit State and County Election Compliance Regularly. In every odd-numbered year, Proposition 39 requires the State Auditor to report how well the state and each county comply with the measure and make recommendations for improvement.

Requires Legislative Action for Full Implementation. Proposition 39 requires the Legislature to pass additional laws to implement the measure. The Legislature would need to clarify several details that are not defined in the proposition, like which forms of identification could be used and what steps would be considered best efforts to verify the citizenship status of registered voters.

FISCAL EFFECTS

State and Local Costs Depend on Future Decisions. Proposition 39 would increase state and local government costs each year by **tens of millions of dollars to low hundreds of millions of dollars**. These costs represent less than one-quarter of 1 percent (0.25 percent) of the state's total General Fund budget. (The General Fund is the account the state uses to pay for most public services, including education, health care, and prisons.) The exact cost would depend on future choices made by the Legislature, state departments, local governments, and voters. For example, the costs could vary depending on decisions around the design and requirements of the voter identification card and the number of cards requested. There also could be some amount of savings. These savings would be due to fewer people registered to vote—for example, due to the removal of ineligible voters or eligible voters lacking government-issued identification. These savings likely would not exceed the costs of the measure.