



CITY OF HUNTINGTON BEACH

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648-2702

GRACEY VAN DER MARK MAYOR

June 5, 2024

Honorable Gail Pellerin
Chair of the Assembly Elections Committee
1020 N Street, Room 365
Sacramento, CA 95814

SB 1174 – Elections: Voter Identification OPPOSE

Dear Chair Pellerin,

California's Constitution allows cities and counties that adopt charters to control their own municipal affairs and provides that those laws are supreme over inconsistencies. The municipal affairs doctrine grants charter cities broad authority to enact laws governing local matters.

In March 2024, the residents of Huntington Beach voted to update Section 702 of the Huntington Beach City Charter providing for voter identification to protect the City's elections. The City of Huntington Beach strives to protect its elections, and the provisions of the Huntington Beach City Charter shall prevail over a conflict with the Elections Code.

SB 1174 inserts the State into the City's municipal, local affairs.

The City respectfully OPPOSES SB 1174.

Sincerely,

Gracey Van Der Mark
Mayor

Cc: Senator Dave Min
Huntington Beach City Council

AMENDED IN SENATE MAY 2, 2024

AMENDED IN SENATE MARCH 18, 2024

SENATE BILL

No. 1174

Introduced by Senator Min
(Coauthor: Senator Newman)

February 14, 2024

An act to add Section 10005 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1174, as amended, Min. Elections: voter identification.

Existing law permits the governing body of a city or district to request that the county render specified services to the city or district regarding the conduct of an election.

This bill would prohibit a local government from enacting or enforcing any charter provision, ordinance, or regulation requiring a person to present identification for the purpose of voting or submitting a ballot at any polling place, vote center, or other location where ballots are cast or submitted, as specified.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 **SECTION 1.** (a) *The Legislature finds and declares all of the*
2 *following:*

1 (1) Under existing law, a person is entitled to vote in a local,
2 special, or consolidated election who is registered in any one of
3 the precincts which compose the local, special, or consolidated
4 election precinct.

5 (2) California ensures the integrity of its elections by requiring
6 a person to provide a driver's license number, a California
7 identification number, or the last four digits of their social security
8 number to register to vote.

9 (3) The state has taken further steps to ensure election integrity,
10 including signature verification checks, mandatory partial
11 recounts, and ballot tracking.

12 (4) Voter identification laws have historically been used to
13 disenfranchise low-income voters, voters of color, voters with
14 disabilities, and senior voters.

15 (5) Existing law gives the Secretary of State jurisdiction over
16 voter-eligibility functions.

17 (6) Under existing law, local elections officials are responsible
18 for supervising voting at the polls.

19 (7) Voter identification laws place the onus on the voter to prove
20 their identity and right to vote, even after voters have taken the
21 necessary steps to prove their identity and right to vote through
22 the voter registration process.

23 (8) The implementation of voter identification laws in municipal
24 elections conflicts with California's established, well-balanced
25 methods of ensuring election integrity across the state.

26 (b) The Legislature finds and declares that Section 2 of this act
27 adding Section 10005 of the Elections Code addresses a matter of
28 statewide concern rather than a municipal affair as that term is
29 used in Section 5 of Article XI of the California Constitution.
30 Therefore, Section 2 of this act applies to all cities, including
31 charter cities.

32 **SECTION 1.**

33 **SEC. 2.** Section 10005 is added to the Elections Code, to read:

34 10005. A local government shall not enact or enforce any
35 charter provision, ordinance, or regulation requiring a person to
36 present identification for the purpose of voting or submitting a
37 ballot at any polling place, vote center, or other location where
38 ballots are cast or submitted, unless required by state or federal
39 law. For the purpose of this section, "local government" means

1 any charter or general law city, charter or general law county, or
2 any city and county.

3 ~~SEC. 2. The Legislature finds and declares that Section 1 of~~
4 ~~this act adding Section 10005 of the Elections Code addresses a~~
5 ~~matter of statewide concern rather than a municipal affair as that~~
6 ~~term is used in Section 5 of Article XI of the California~~
7 ~~Constitution. Therefore, Section 1 of this act applies to all cities,~~
8 ~~including charter cities.~~

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